



STAFF REPORT

Board of Zoning Appeals
Meeting Date: October 21, 2026

Case #:	BZA-2026-222	Address:	127-129 Kenton Row
Appellant:	Ruttencutter Holdings, LLC, Owners Paul & Linda Ruttencutter	Zoning:	“L” Lakeside
Request:	Request for an Area Variance from Section 7.12.3.A to allow for an addition with more square footage than permitted onto a nonconforming structure [20%; 421s.f. allowed/ 22.8%; 480.25s.f. proposed/ 34.3%; 722.25s.f. total].		

SUMMARY:

The subject property contains a two-family house (Unit 127 is the north unit and Unit 129 is the south unit) and a 2-story 12' x 16' garage (Accessory Building) at the rear of the property. The applicant is proposing to connect Unit 129 and the existing garage via a pergola-styled, open breezeway.

BACKGROUND:

On June 8, 2026, the Zoning Department was forwarded an anonymous complaint that Lakeside had received regarding this property, indicating that the property owners had converted the 2nd story of the detached garage into living space and were residing in this space. The Zoning Department then received the same anonymous complaint in the mail on June 9, 2026 (*See Twp. Ex. 2*). On June 10, 2026, staff inspected the property and observed a built-in air conditioning unit on the 2nd story of the accessory building, as well as a TV antenna line extended to the living space (*See Twp. Ex. 3 photographs*).

On June 15, 2026, a “Warning of Zoning Violation Letter” was sent via certified mail to the property owner (*See Twp. Ex. 3*). Said violation letter was delivered and claimed by the property owner on June 18, 2026, at 10:37a.m. In summary, the violation letter explained that the principal structure (main house) addressed as 127-129 Kenton Row, on the property was a grandfathered 2-family, nonconforming structure. Accessory buildings are explicitly prohibited in Section 5.2.3 of the Danbury Township Zoning Resolution from being inhabited for overnight stay unless a “Change of Use” certificate has been issued in accordance with Section 7.5.2. Additionally, according to Section 3.4 Use Matrix, neither 3-family units or multi-family uses are Permitted or Conditional Uses in the “L” Lakeside Zoning District.

The same day the property owners received their violation letter, they came into the office. Initially, they were defiant about whether they were occupying the garage. It was explained to them, that according to the permits issued to the property, specifically Permit# 1993-122 that established the original 12' x 16' garage (*See Twp. Ex. 4*) and then Permit# 2009-109 that created the 2nd story onto the structure (*See Twp. Ex. 5*), never gave any indication that living space was ever part of the approvals for this structure, only storage. Permit# 1993-122 originally included a breezeway connection, similar to this request, but it was never built and was never applied for again in 2009 when the 2nd story addition was constructed, thus the ability to construct it had long expired.

It was also shared with the owners that when they were before this Board in 2019 (BZA-2019-179) for a 2nd story addition onto Unit 129 for a bathroom addition, there was never any mention of the garage being occupied. It was thoroughly discussed that the additional bathroom was needed for guests, family and renters. According to those meeting minutes (*See Twp. Ex. 6*), Mr. Fetzer asked for clarification that they only rented out one side of the house and Mrs. Ruttencutter testified that that was correct, but they had occasionally rented out their side, which is Unit 127. When this information was shared with the property owners, they requested copies of the permits aforementioned and when we returned from the copy machine, they then admitted that they were indeed renting out both of the units in the main house and they themselves have been inhabiting the 2nd story of the garage. They have never indicated when they started inhabiting the garage.

It was expressed to them again that this is in violation of zoning and needed to cease. They were advised that if they chose not to cancel some of their reservations, then they would either have to stay in a hotel/motel or make other arrangements with other friends or family to be able to stay in the area, if they

felt the need to be present, but they could not continue to stay in the garage. The discussion with the property owners that day then led to what they could do to make the situation legal.

The property owners have submitted with their variance application, Ottawa County Sanitary Engineer sewer permits from 1993 & 1999 (*See Applicants Ex. 3*). The owner has verbally expressed that these are the permits showing when utilities were extended from the house to the garage. The 1993 permit indicates it is for a gravity main/ connection and the 1999 permit states it was for a new service lateral for connection to the regional water system. We have independently tried to confirm with the Sanitary Engineer's Office that these are indeed the proper permits, but in a follow-up email with the Administrator of that Office (*See Twp. Ex.1*), they have no records of permits for the work done and indicate that they may need to investigate further. We have checked with the Ottawa County Building Department as well, and they show no permits related to the conversion of the garage to living space.

ZONING CODE INTERPRETATION:

Based on several sections of the Danbury Township Zoning Code, the proposed breezeway, if approved, would not deem the building at the back of the property a third dwelling unit:

According to Section 3.4 Use Matrix, Two-Family Dwellings are a Conditional Use in the "L" Lakeside zoning district. This is a grandfathered two-family property. Per Section 7.12.1.A. *"It is not the intention herein to classify as nonconforming, a use allowed in a district as a conditional use under the regulations of this Resolution"*. The existing Two-Family structure is nonconforming on the property due to encroachments over the south property line. As aforementioned, neither 3-family units or multi-family uses are Permitted or Conditional Uses in the "L" Lakeside Zoning District.

According to the Definitions in Section 2.2, for a Two-Family Dwelling and even a Multi-Family Dwelling, it states they are buildings *"designed for occupancy by two families [3-families or more for Multi-Family], living independently of each other, only and always to be used by the same occupants, for a continual period of not less than thirty (30) days. Overnight rental and occupancy of dwelling units for periods of less than thirty (30) days shall be prohibited, except in the "L" Lakeside District"*. By attaching the garage to the main house via a breezeway, and in this case specifically to Unit 129, that connection is viewed not only by the Zoning code, but also County Building codes as an extension of the unit, not necessarily the creation of a new unit.

The property owner has submitted in Applicant's Ex. 1, photographs marked A-D. These photographs show there is a small ½ bath on the 2nd floor of the garage, a trundle daybed and small chair, but there is no kitchen in the space. On the ground floor of the garage is a shower stall and stackable washer & dryer, but no living space. The space the owners are staying in is essentially viewed as a bedroom and not technically able to be lived in independently from the house due to the lack of a kitchen.

Furthermore, Section 5.6 establishes minimum Floor Area Requirements for Residential Dwellings. According to this section, the calculation of floor area only includes *"those areas used for living purposes; garages, carports, patios and other such area are excluded from the calculation"*. This section requires a certain amount of ground floor living space, which for a two-story structure is 600s.f. for the first floor and 600s.f. for the second floor. Since the garage structure is only 192s.f. per floor and the property owner intends to keep the first floor as a garage, Section 5.6 eliminates the possibility that this structure can be considered as an independent dwelling unit, and further supports that once connected via a breezeway, the 2nd story space is nothing more than an extension of Unit 129 as a bedroom.

Admittedly, where some conflict in language comes into play is Section 5.3 regarding 'Breezeway's and Attached Garage Standards'. The language starts off indicating that *"An attached garage is permitted in all zoning district by the means of an enclosed or open breezeway. Such breezeway shall allow occupants to access both structures without physically entering either structure from the outside"*. Subsection 1.C also states *"Any conversion of the garage into inhabitable space is only permitted if it is fully integrated and contiguous with the rest of the primary residence. Access to the converted living space must be through the primary residence only. A separate primary entrance to the converted garage living space is not permitted"*. Subsection 1.C would lead one to believe that the breezeway connector must then be enclosed. The issue with this is that even if this breezeway were proposed to be enclosed, there is a full-size, standard garage door on the north side of the garage that will remain. There is no way to get around the fact that there is an external entrance to this living space above the garage due to the garage door, whether the breezeway is enclosed or not.

When this language regarding Breezeways was initially adopted in 2014 and later modified in 2025, it was done so to require that such connections had to 'make sense' and lead from a door on the

house to a door on the accessory structure. There were property owners who were literally trying to nail in a 2x4 from the side of the house to the side of a garage or slap up a garden trellis and claim the two structures “were connected”.

REQUEST UNDER CONSIDERATION:

Although the property owners are not creating a third dwelling unit, they still require an area variance from Section 7.12.3.A to allow the construction of the breezeway. The existing house is nonconforming because the house encroaches over the south property line by 1.3’. The applicant is proposing to construct a 3.5’ x 27.5’ (96.25s.f.) breezeway connection from the rear of unit 129 to the 12’ x 16’ two-story (384s.f.) accessory building for the purpose of converting the 2nd floor of the accessory building into habitable living space. The original house contained 2,105s.f. 20% of this would allow for a 421s.f. addition. In 2001, the owners constructed a 115s.f. 2nd story addition onto the north unit 127, and in 2019 they constructed a 127s.f. 2nd story addition onto the south unit 129. The owner used 11.5% of the 20% allowed. Once these additions are subtracted from the allowed 421s.f., the property owner had 179s.f. (8.5%) left over or available to be able to add onto the original house.

Even though the accessory building exists, once it is attached to the house with the breezeway, it becomes part of the house and thus must also be considered under the 20% addition limitation. The applicant is proposing a total of 480.25s.f. with the breezeway and 2-story accessory building addition. This results in 22.8% for just this addition or 34.3% total once the two prior additions are also taken into account.

Despite all the history and background of this particular situation, the main focus of this request is whether the 20% addition limitation should or should not be granted a variance. Should the variance be approved, in addition to receiving a permit for the breezeway, the property owner will be required to get all applicable permits in order, related to the partial conversion of the garage into living space. Should the variance be denied, then the property owners would have to vacate the occupancy of the space for habitation, and any utility disconnections would be up to those controlling agencies on whether they need to be removed.

ANALYSIS:

Staff provides the following analysis of the decision standards the Board utilizes in their deliberations for deciding whether the request should be approved or denied. The Board is not obligated to agree in whole or in part with any of Staff’s review:

The property in question will yield a reasonable return and can be beneficially used without the variance because the property can continue to be used for a two-family residence and is permitted to add on an additional 179s.f. (8.5%) onto the original house.

Whether or not the variance request is or is not substantial can be debated. On the one hand the request could be viewed as not substantial because it is the only variance needed, and the existing 12’ x 16’ two-story (384s.f.) accessory building is the major factor in the overage to the 20% requirement. The breezeway, which is the new construction, accounts for only 96.25s.f. and would be within the 20% limitation. On the other hand, the request could be viewed as substantial because by allowing the connection, it leads to additional living space on the property that was not part of the original house.

The essential character of the neighborhood would not be substantially altered or suffer a substantial detriment as a result of the variances because, Lakeside has approved the request and the impacts it would have on their community. There are other scenarios like this throughout not only Lakeside, but the Township as a whole, where breezeways have been used to extend living space to existing garages.

There is no indication that there would be a detrimental effect on the delivery of government services since utilities exist and are available to the property. Any utility extensions will have to be inspected, and installation standards verified with those regulating agencies.

The applicant’s narrative statement says they were not aware of the zoning requirements at the time they acquired the property in 1992, but since then they have applied for and received numerous zoning permits.

Whether the property owner's predicament can feasibly be obviated through some method other than a variance can likely be debated. On one hand, part of the reason for the addition of the breezeway is to correct a zoning violation and primarily due to the size of the existing garage, it leads to the need of the variance. While they could make the breezeway slightly narrower, they

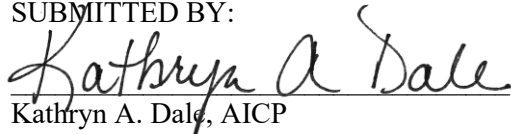
cannot change the distance the garage is from the house. On the other hand, there is nothing that requires a property owner to be on the premises in order to rent out their two-family structure.

The spirit and intent of the zoning resolution is to promote public health, safety, morals, comfort and general welfare; to regulate the location, height, bulk, number of stories and size of buildings and other structures, including the uses of land. The spirit and intent of the zoning code is not to make a property more profitable to the property owner.

STAFF RECOMMENDATION:

None.

SUBMITTED BY:



Kathryn A. Dale, AICP
Danbury Township Zoning Inspector

Date Prepared: October 2, 2026

List of Exhibits Enclosed:

- | | |
|-------------|---|
| Exhibit 1: | BZA Application
Appellants Response to Decision Standards
Photographs A-D showing interior of space.
Adjacent property owners' notification list
Property Deed
Lakeside HP-DRB COA
Lakeside MSC Variance Approval |
| Exhibit 2: | Refused Permit
Submitted Plans |
| Exhibit 3: | 1993 & 1999 Ottawa County Sanitary Engineering (OCSE) Sewer Permits |
| Twp. Ex. 1: | 09.11.26 & 09.29.26 Emails with OCSE |
| Twp. Ex. 2: | 06.09.26 Anonymous Complaint |
| Twp. Ex. 3: | 06.15.26 Violation Letter |
| Twp. Ex. 4: | 1993-122 Zoning Permit for 12' x 16' Acc. Bldg. |
| Twp. Ex. 5: | 2009-109 Zoning Permit for 2 nd floor Acc. Bldg. Addition |
| Twp. Ex. 6: | 10.16.2019 BZA Minutes |



Danbury Township, Ohio



BOARD OF ZONING APPEALS APPLICATION

Date Filed: 9/15/20 Application #: 2026-222

Action: _____

5972 E. Port Clinton Rd.
Marblehead, Ohio 43440

☎: (419) 734-6120 F: (419) 734-3137

🌐: www.danburytownship.com

Rejected Permit: 2026-215 Approved Permit: _____

1. **Property Location:** 127-129 Kenton Row Parcel ID# 0140915419315000

Subdivision Lakeside, Blk 1 Lot # 5 Zoning District: "L"

Attach Deed For Complete Property Legal Description

Existing Use Two-Family Proposed Use 3.5' x 27.5' Breezeway

2. **Agent** _____ Address _____

City _____ State _____ Zip _____ Phone _____

Email: _____

3. **Appellant/ Owner** Paul & Linda Ruttencutter Address 4085 Leona Court

City Hamilton State Ohio Zip 45013 Phone _____

Email: _____

Use an additional application if there is more than one owner making the request.

4. **Specific Request:**

☒ **Area Variance** ☐ **Use Variance** ☐ **Special Exception** ☒ **Conditional Use** ☐ **Appeal**

Chapter / Section Request for an Area Variance from Section 7.12.3.A. to allow for an addition with more square footage than permitted onto a nonconforming structure [20%; 421s.f. allowed/ 22.8%; 480.25s.f. proposed/ 34.3%; 722.25s.f. total].

Practical Difficulty _____

Attach Separate Narrative Statement describing the request if additional space is needed.

5. Attach a Narrative Statement with a response to each Decision Standard listed in **Attachment "A"** hereto, as is relates to the specific request.

Next Page →

6. Maximum 11" x 17" sized drawings. Attach a scaled site plan/ plot plan showing the dimensions of the property, location of roads, size and location of existing and proposed structures, including but not limited to driveways, patios, sidewalks and decks, as well as the setback distances from the property lines to each of these aforementioned items on the property. Elevations shall also be submitted when applicable. Applications for signs shall include all drawings depicting the size, height and location of the proposed sign.
7. A typewritten list of the names & addresses of the property owners contiguous to and directly across the street from the property involved.
8. Photographs or any other information and documentation as it relates to the request being made.

An application is hereby made for an appeal before the Danbury Township Board of Zoning Appeals (BZA). It is understood and agreed to by the appellant(s) and agent(s) that the Board of Zoning Appeals is a quasi-judicial Board. The BZA's primary function is to hear testimony and issue a decision. The BZA only hears relevant, sworn testimony from the Appellant, his/her duly appointed agent or attorney, and any other person with standing to testify in a particular matter. The Appellant has the right to cross-examine any testimony given. Hearings are open to public attendance. Unless appealed to the judicial system, the subject property shall comply with the decision rendered and the laws of the State of Ohio, and; should an application be granted, a permit shall be applied for and issued 30 days after such decision is rendered. The Appellant and Agent hereby certify that the information and statements given on this application, drawings and specification are to the best of their knowledge, true and correct.

(Agent's Signature)

(Date)

Linda Rutternutter
(Appellant's Signature)

Sept. 15, 2026
(Date)

PLEASE REFER TO THE BZA DOCKET CALENDAR FOR SUBMISSION DATES.
INCOMPLETE OR LATE APPLICATIONS WILL NOT BE ACCEPTED.

Do not write below this line

ZONING SUMMARY

BZA Hearing Date: 10/21/26

BZA Application #: 2026-222

Notice Published to Website/Social Media: _____

Notice Sent to Neighboring Property Owners: _____

Filing Fee = \$250.00 Postage Fee \$ 3.25 Cash/Credit/Check # 559

List of neighboring property owners provided? ☒ Yes No Copy of Deed? ☒ Yes No Narrative Statement? ☒ Yes No

Attachment "A"
Decision Standards

Section 7.8.2.C.i - Area Variances:

A. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.

- A. Will not change anything but the addition of pergola which needs to happen to make things lawfully right. Pergola connects to 129 Kenton Row and that makes our sleeping in the top of the garage/carriage house legal with the addition of a variance.

B. Whether the variance is substantial.

- B. A variance is needed per Kathy Dale, Danbury Township Zoning & Planning Administrator. As soon as we were told by Danbury Township that we needed to do something to bring sleeping in our garage/carriage house up to code, my husband and I went to Danbury and started the process toward the goal to make it all legal. Kathy told us about the pergola solution and we have been working on this project since the beginning of the 2026 Summer. In the living space of the garage/carriage house, we only use a small area to sleep in. We have one soft chair for Linda to sit in with Paul sitting on the bed if and when we watch the small television in the space. We have a small bathroom and a shower space, but no kitchen, designated dining area, etc. We store clothes upstairs and downstairs. There aren't any cupboards in the main space, just some small shelves. As soon as we surprisingly found out that it wasn't legal to sleep in our garage/carriage house we stopped sleeping in it immediately. We have not slept there one night since. Many friends have taken us in to sleep and we managed to keep Lakeside as our summer residence for the Summer of 2026.

C. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

- C. This pergola affects no neighbors adjoining our property, with the exception of one to the South of us. These neighbors are thrilled that we changed it to a pergola instead of a breezeway. We aim to please these neighbors because we are great friends. My husband cuts their backyard grass for them as a courtesy and they graciously do small favors for us. They keep an eye on our property during the off season, which is much appreciated. Paul and I stay at Lakeside each year from Memorial Day weekend through Labor Day weekend. These neighbors are the only ones who will have a full view of the pergola.

D. Whether the variance would adversely affect the delivery of governmental services (for example,

- D. The variance would not affect the delivery of governmental services at all. The pergola would enhance our backyard and make it more beautiful. We love flowers and even won one of fifteen beautification awards from Lakeside many years ago.

E. Whether the property owner purchased the property with knowledge of the zoning restriction.

- E. We purchased our Lakeside property 33 years ago and were unaware of any updated zoning restrictions.

F. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

F. We need a variance. We were told how to solve our problem and we have worked hard to go through the process that we were told to follow to become compliant.

G. Whether the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the variance.

G. We will definitely observe all zoning requirements, etc. if the variance is granted. My husband was a pharmacist for 37 years and I was a Special Education teacher for 32 years. These professions required us to do what is right.

H. Other relevant information:

H. We are going through this process to allow us to continue to sleep in our garage so we can continue to rent to all of our present summer renters. Most of our families have been with us for 21 years and some have rented from us for all 33 years of our ownership. We assist our renters by carrying in the seniors' bags for them when they arrive for their weekly rental. We also help with the children, including playing games, watching them for safety, and pushing kids with special needs around in strollers and wheelchairs. Our own grandchildren visit and we are blessed. At Paul's age of 76 years old and Linda's at 75, watching families enjoy our Lakeside cottage brings us great joy.

Linda and Paul Ruttencutter
127/129 Kenton Row
Lakeside, Ohio

A.

South side
Bathroom
Door



B.

only living area
upstairs outside
of Bathroom.
Bed Pulls out ?
Chair is moved
to the Northeast
Side.



C.

north side



D.

Southwest
corner



E.

Sw Corner



F.

Top West side



Adjacent Neighbors

Detra and Bruce Bennett
630 Denmark Place
The Village, FL 32162

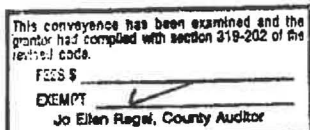
David and Lauren Holloway
1530 Heather Court
Munster, IN 46321

Daniel and Evelyn Buckey
221 Park Row
Lakeside, OH 43440

Mary and Shelby Stimmel
535 Monument View
Lakeside, OH 43440

Lakeside Association
236 Walnut
Marblehead, OH 43440

VL1075PG0578

**QUIT-CLAIM DEED**

200500150685
 Filed for Record in
 OTTAWA COUNTY, OHIO
 VIRGINIA M. PARK
 06-08-2005 At 10:14 am.
 QUIT C DEED 28.00
 OR Book 1075 Page 578 - 579

6-8-05 Jo Ellen Ragel
 by Kathy Estep dep
 GRANTORS, Paul D. Ruttencutter and Linda M. Ruttencutter, husband and wife, for valuable consideration paid, grant to GRANTEE, Ruttencutter Holdings I, LLC, an Ohio limited liability company, whose tax mailing address is 4085 Leona Court, Hamilton, Ohio 45013, the following described real estate, to-wit:

PARCEL 1:

Situated in the Township of Danbury, County of Ottawa and State of Ohio, and known as and being the north half of Lot Five (5) in Block One (1) of Lakeside, a subdivision in said Township.

Subject to easements, conditions and restrictions of record and the following right-of-way easement: Situated in Danbury Township, Ottawa County, Ohio, and being a strip of land extending the full length of Lot Five (5) in Block One (1) of Lakeside, a subdivision in said Township, from East to West; the northerly line thereof being northerly line of said Lot Five (5) and the southerly line a line parallel with said northerly line of said Lot Five (5), which southerly line passes through a point, which point is located six (6) inches North of the most northerly part, exclusive of eaves or cornices, of the house or structure presently existing on the North half of said Lot Five (5). Said easement to be for the benefit of the parties hereto, their heirs and assigns forever and appurtenant to said Lots One (1) and Two (2) in said Block Forty-Six (46) of Lakeside.

Parcel No. 0140915419315000

PARCEL 2:

Situated in the Township of Danbury, County of Ottawa and State of Ohio, and known as and being the south half of Lot Five (5) in Block One (1) of Lakeside, a subdivision in said Township. Subject to easements, conditions and restrictions of record.

Prior Deed Reference: Vol. 375 Page 746 Ottawa County, Ohio Official Records

Executed this 9TH day of May, 2005.

Paul D. Ruttencutter
 Paul D. Ruttencutter

Linda M. Ruttencutter
 Linda M. Ruttencutter

VL1075PG0579

STATE OF OHIO, BUTLER COUNTY, SS:

The foregoing instrument was acknowledged before me this 9 day of May, 2005 by Paul D. Ruttencutter and Linda M. Ruttencutter, husband and wife.


Notary Public



CATHERINE L. EVANS
Notary Public, State of Ohio
My Commission has no Expiration Date
O.R.C. Section 147.03

This instrument prepared by:

MILLIKIN & FITTON LAW FIRM
A Legal Professional Association
Hamilton, Ohio 5/6/05/S:\Real_Estate\Collins\Atty\cle\Deeds\ruttencutter ottawa co.wpd

LAKESIDE ASSOCIATION
HISTORIC PRESERVATION & DESIGN REVIEW BOARD

Certificate of Appropriateness

Awarded to: Paul and Linda Ruttencutter

For work at: 127-129 Kenton Row

Description of Work to be performed:

Install a pergola connector from house to garage. Approved by HP-DRB 09/05/2026 as submitted on 08/03/2026 with revised drawings received 09/01/2026, pending MSC approval and 30-days neighbor notifications.

Date of Issue: 09/08/2026

COA expires 24 months from issue date.

Request for Variance for Lakeside setback variances or support for Danbury Township zoning variances

Construction in Lakeside Chautauqua that deviates from existing setback requirements requires approval by the Municipal Services Committee (MSC) of the Lakeside Association Board of Directors, see

Title §2.2.2.4 To notify the Association of any request for a **property variance**, split, or subdivision

This completed form should be submitted with the HP-DRB Application for COA attn: Lisa Hogue and will be reviewed by MSC prior to the HP-DRB meeting when possible. After this process is complete, the leaseholder will then need to appeal to the Danbury Township Board of Zoning Appeals (BZA) for final approval (other than for setbacks). Approval by MSC and Danbury Township must be "in-hand" prior to the start of construction.

Owner(s): Paul and Linda Ruttencutter

Phone/email: _____

Lakeside Address: 129 Kenton Row

Description of request (include a survey showing the existing lot lines with the proposed change (required), as well as any drawings or photos which might enlighten the committee):

Add pergola connector from the accessory building to the house on a non-conforming structure (South side of house is over property line by approx. 1.3 feet). Connector is 40" wide (3.333) x 27.5' long (not counting pergola eaves) for a total of at least 91.66 sf additional roof. Pergola eaves extend another 4 1/2" on each side (total of 49" wide (4.0833)). Due to the angle of the pergola it is into the setback approx. 13" for 36"; and needs support to go to BZA for exceeding the 20% limitation if the addition/ enlargement exceeds 20% of the floor area contained in the original building on a non-conforming cottage. Accessory building sf is added to the pergola connector additional sf. Proposed is 480.25 sf where 421 sf is allowed. Total additions to the house are 722.25 sf (34.3% where 20% is allowed).

Explanation of need: _____

Need approval for connector roof approx. 13" into the 3' South setback for 36"; and (2) support to go to BZA for exceeding the 20% limitation. Need to connect the house and accessory building to remain zoned as a two-family unit.

MSC Member/Staff Review/Recommendation: _____

MSC Action: Approved: ☒ Disapproved: _____

Approved with modification: _____

Lakeside approval does not ensure that Danbury BZA will approve, but Lakeside's approval may be used in support of your request, if desired.

Lisa Hogue Date: 9/14/26

Chair, Municipal Services Committee, Lakeside Board of Directors
or: Lakeside Development Administrator



Kathryn A. Dale, AICP
Zoning & Planning Administrator

NOTICE OF REFUSAL

September 10, 2026

To Applicant/: Ruttencutter Holdings, LLC
Owner Paul & Linda Ruttencutter
4085 Leona Court

Application No.: **26-215**
127-129 Kenton Row

BZA Case No.: _____

Your application dated **SEPTEMBER 9, 2026**, for a zoning certificate for a **3.5' X 27.5' BREEZEWAY ADDITION** located at **127-129 KENTON ROW, MARBLEHEAD, OHIO 43440** is hereby refused on this **10th DAY OF SEPTEMBER, 2026** under **Article 3, Article 5 and Article 7** of the Danbury Township Zoning Resolution in that;

Article 3 of the Danbury Township Zoning Resolution and Map designates the location of this property as "L" Lakeside.

Article 5, Section 5.1.3

General Regulations Applicable to All Districts

3. *No building or structure shall be erected, converted, enlarged, or reconstructed or structurally altered except in conformity with the yard and lot area regulations of the district in which the building is located unless otherwise specified herein.*

Article 7, Section 7.12.3.A.

Modifications to Nonconforming Uses

Variance #1 →

- A. *The addition to or enlargement of a nonconforming building or structure shall be permitted provided it contains a permitted use and such addition or enlargement does not exceed twenty (20%) percent of the floor area contained in the original building or structure at the time of the adoption of this Resolution. All other requirements of the District (lot area, yards, etc.) shall be met unless a variance is obtained.*

- The existing house is nonconforming because the house encroaches over the south property line by 1.3'.
- The applicant is proposing to construct a 3.5' x 27.5' (96.25s.f.) breezeway connection from the rear of unit 129 to the 12' x 16' two-story (384s.f.) accessory building for the purpose of converting the accessory building into habitable living space.
- The original house contained 2,105s.f. 20% of this would allow for a 421s.f. addition.
- In 2001, the owners constructed a 115s.f. 2nd story addition onto the north unit 127, and in 2019 they constructed a 127s.f. 2nd story addition onto the south unit 129.
- The owner used 11.5% of the 20% allowed. Once these additions are subtracted from the allowed 421s.f., the property owner had 179s.f. (8.5%) left over or available to be able to add onto the original house.
- Even though the accessory building exists, once it is attached to the house with the breezeway, it becomes part of the

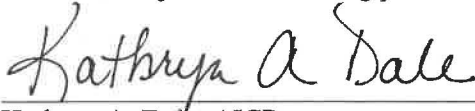
house and thus must also be considered under the 20% addition limitation.

- The applicant is proposing a total of 480.25s.f. with the breezeway and 2-story accessory building addition. This results in 22.8% for just this addition or 34.3% total once the two prior additions are also taken into account.

Article 7, Section 7.5.1.A states; It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, converted or enlarged, wholly or partly, until a zoning certificate/permit shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate/permit, provided the Zoning Inspector is satisfied that the structure, building or premises, and the proposed use thereof conform with all the requirements of this Resolution. No certificate/permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Resolution.

Article 7: An appeal from this decision to the Danbury Township Board of Zoning Appeals is governed under Section 7.9.2 of the Danbury Township Zoning Resolution. A request for an **Area Variance** is necessary prior to proceeding with the proposed construction.

Please contact the Zoning Department at (419) 734-6120 to obtain the appropriate application and to review the adjudication hearing process if you wish to proceed with the appeal.



Kathryn A. Dale, AICP
Danbury Township Zoning & Planning Administrator

Note: The applicant has **20 days** (per Section 7.9.2.A.i.) to submit revisions or to appeal this decision to the Board of Zoning Appeals. A new application will be required, including payment of a new fee, if the applicant fails to submit adequate revisions within this time period. Revisions that address these deficiencies may result in further comments relative to these or other Zoning Code provisions. This review is only for compliance with the zoning regulations. The Ottawa County building departments may also have comments that will need to be addressed before releasing permits.



Danbury Township, Ohio

5972 E. Port Clinton Rd.
Marblehead, Ohio 43440

☎: (419) 734-6120 F: (419) 734-3137

🌐: www.danburytownship.com

ZONING PERMIT APPLICATION

Date Filed: 9/9/26 Application #: 2026-215

Approval Date: 9/10/26 BZA Case #: _____

1. **Property Location:** 127-129 Kenton Road Parcel ID # 0140915419315000
Subdivision Lakeside, Blk 1 Lot # 5 Zoning District "L" Lakeside
Existing Use Two-Family Proposed Use 3.5' x 27.5' Breezeway

2. **Applicant** Paul & Linda Ruttencutter Address 4085 Leona Court
City Hamilton State Ohio Zip 45013 Phone _____
Email: _____

3. **Owner** Same As Above Address _____
City _____ State _____ Zip _____ Phone _____
Email: _____

4. **Contractor/ Architect** Jim Shelley, Architect Address 2110 County Road 292
City Bellevue State Ohio Zip 44811 Phone _____
Email: _____

5. **Site Plan:** Attach site plan for subject property. See Instructions & Sample.

6. Type of Improvement

Residential Use

- ☐ New Single Family (___ w/Deck)
☐ New Two-Family
☐ New Multi-Family, No. of Units _____
☒ Addition
☐ Accessory Structure
☐ Decks or Patios
☐ Swimming Pools (above or inground)
☐ Walls or Fences
☐ Temporary Uses - Dates From: _____ To: _____
☐ Signs - Permanent _____ Temporary _____
☐ Docks - _____ sf.
☐ Other (specify) _____

Non-Residential Use

- ☐ New Building(s)
Dimensions of each Bldg. _____
☐ Addition
☐ Accessory Structure
☐ Temporary Uses - Dates From: _____ To: _____
☐ Signs - Permanent _____ Temporary _____
☐ Walls or Fences
☐ Remodel/ Tenant Finish
☐ Docks, Finger, Main or Walkway - _____ sf.
☐ Other (specify) _____

7. **Project Description:** Install 3.5' x 27.5' Breezeway from the rear of unit 129 to the existing 12'x 16' shed

8. Are the property line pins located or have you had a recent survey of the lot? Yes (yes/no)

9. If application is for a non-residential use, list total square footage of building per floor. If application is for a residential use list total area of living space per floor as well as total area of all applicable attachments to the structure. Attach sketch of lot, showing existing buildings and proposed construction or use for which application is made. Give dimensions, indicate *north* and provide the following information:

	<u>Existing</u>	<u>Proposed</u>	<u>Setbacks:</u>	<u>To House Existing</u>	<u>To Shed/Garage Proposed</u>
Basement:	_____ sf.	_____ sf.	<i>(Setbacks are from the property lines to roof overhang, not the edge of the road pavement or foundation)</i>		
1,344s.f. First floor:	1,344 sf.	192 sf.	Front Yard Setback:	4.2' ft.	83' ft.
+ 761s.f.			Side Yard Setback:		
2,105s.f. Second floor:	761 sf.	192 sf.	N side:	5.8' ft.	8' to OH ft.
< 20%			S side:	-1.3' ft.	4' to OH ft.
421s.f. Third floor:	_____ sf.	_____ sf.	Rear Yard Setback:	51.4' ft.	4' to OH ft.
Allowed Garage	_____ sf.	_____ sf.	5' Acc. Bldg/ Separation?	Yes No	27.5' ft.
115s.f. Decks/porches:	168 sf.	_____ sf.	Is the property Nonconforming?	✓ Yes	No
2001 Add. Breezeway:	_____ sf.	96.25 sf.	Lot Coverage:		
127s.f. Accessory:	192 sf.	_____ sf.	A. Principal Building Footprint:	1,344 + 192 + 96.25	1,632.25 sf.
2019 Add. Available Parking:	_____ sf.	_____ sf.	B. Total of Accessory buildings:	0	sf
179s.f. Other:	_____ sf.	_____ sf.	C. Lot Width x Lot Depth = Lot Area:	3,000	sf..
480.25s.f. Highest point of building above the established grade:	_____ ft.	18' ft.	[(A + B) ÷ C] x 100 =	54.4%	%

** Variance Needed

NOTE: Private deed restrictions may need to be met in some areas of the township. Zoning does not enforce private restrictions. It is the responsibility of the Owner & Applicant to be aware of these.

Application is hereby made for a zoning certificate. It is understood and agreed by the applicant that any error, misstatement or misrepresentation of fact or expression of fact in the application, either with or without intention on the part of the applicant, such as might, or would, operate to cause the issuance of a permit in accordance with this application, shall constitute sufficient ground for the revocation of the permit at any time. The owner of this building or premises and the undersigned, do hereby agree to comply with all the laws of the State of Ohio and the Zoning Resolution of Danbury Township, and to construct the proposed building or structure or make the proposed change or alteration in accordance with the plans and specifications submitted herewith, and certify that the information and statements given on this application, drawings and specification are to the best of their knowledge, true and correct.

Kinda Ruttermentha
(Applicant's Signature)

Sept. 9th, 2026
(Date)

Do not write below this line
ZONING CERTIFICATE

Upon the basis of Application No. 26-215, the statements in which are made a part hereof, the proposed usage (is or isn't) isn't found to be in accordance with the Danbury Township. Zoning Resolution and is hereby (approved or rejected) rejected for the C Zoning District.

Kathryn Atale
Danbury Township Zoning Inspector

5972 E. Port Clinton Road, Marblehead, Ohio 43440

Date Application Received 9/9, 20 26

Fee Paid \$ \$TBD

Check # —

Date Application Ruled On 9/10, 20 26

If certificate refused, reason for refusal: See Attached Letter

Permit valid for a period of one (1) year from date of issue.

Living Area Calculation

Pernola $3.5 \times 27.5 = 96.25 \text{ SF}$

1st Floor Garage
(Shower Area)
 $3'-2" \times 6'-4" = 20.0 \text{ SF}$

2nd Floor Garage
(Entire 2nd Floor)
 $12 \times 16 = 192 \text{ SF}$

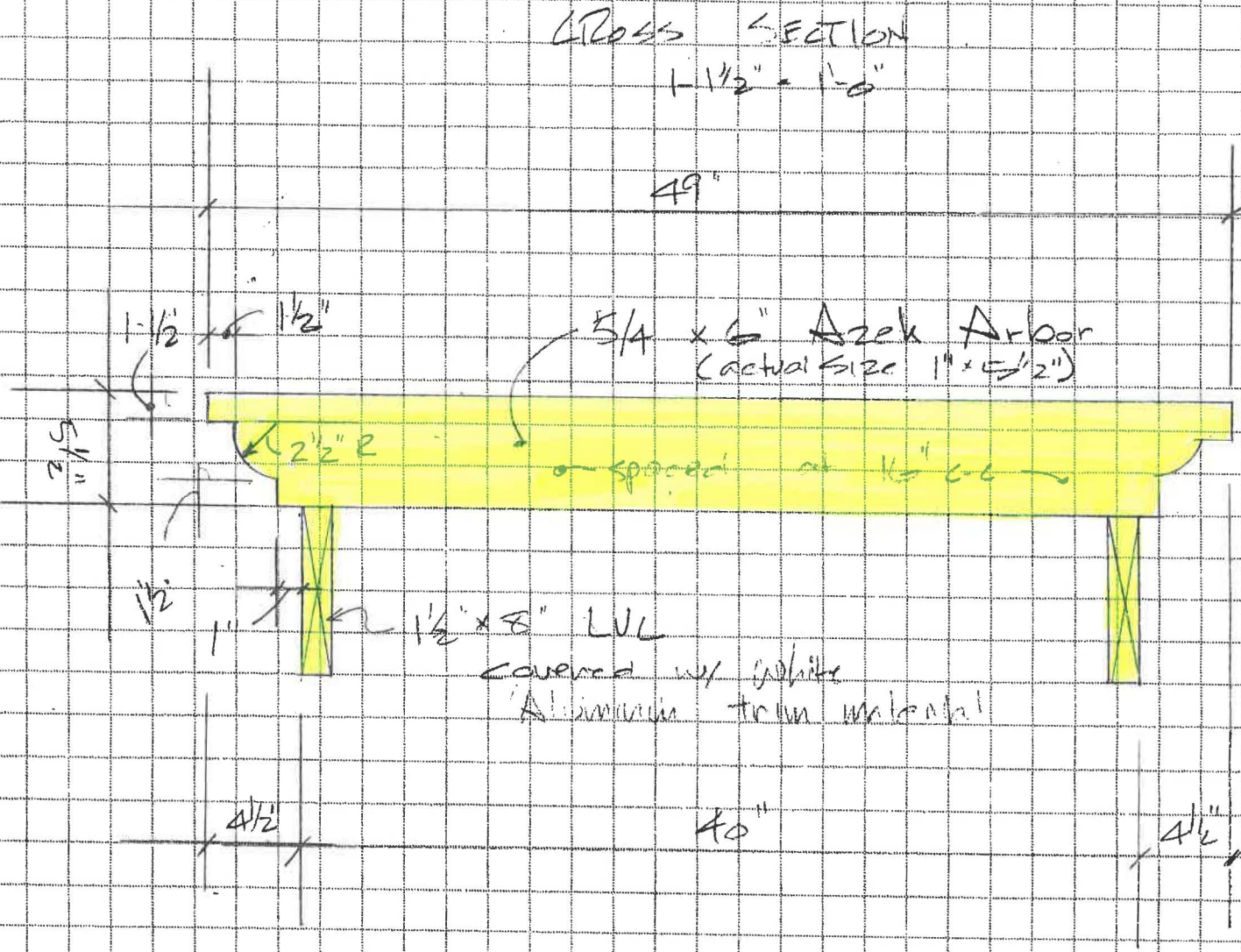
Total New
Area 308.25 SF

20% of Existing
Area $= 179.0 \text{ SF}$

129.25 SF ever
allowable

JOB Rottencutter 129 Keweenaw
 SHEET NO. 9 OF 9
 CALCULATED BY BS DATE 8/30/2006
 CHECKED BY _____ DATE _____
 SCALE 1-1/2" = 1'-0"

Pergola Detail



PROJECT: Rutencutter-Pengola

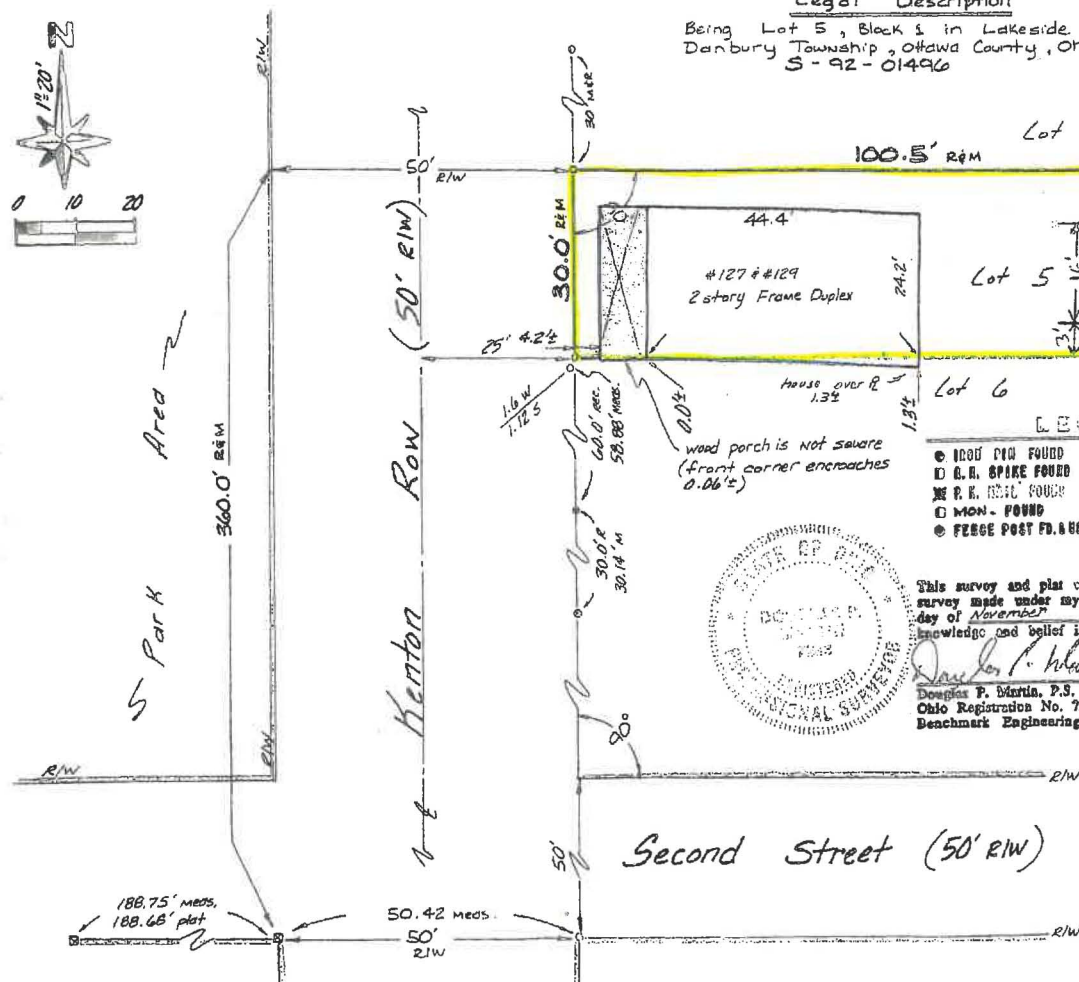
SHEET: 1 OF 9

DRAWN BY: BS

DATE: 8/30/2026

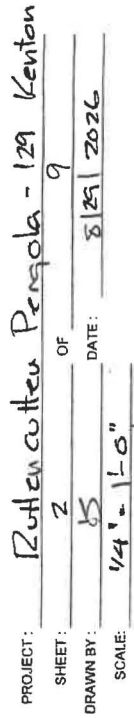
SCALE: as noted

Rutencutter Site Plan - 129 Kenton Row



N
↑

PROJECT: Ruttenutter Pengola - 129 Kenton
SHEET: 2 OF 9
DRAWN BY: BS DATE: 8/25/2026
SCALE: 1/4" = 1'-0"



PROJECT: Rutencutter Pergola - 129 Kenton

SHEET: 3

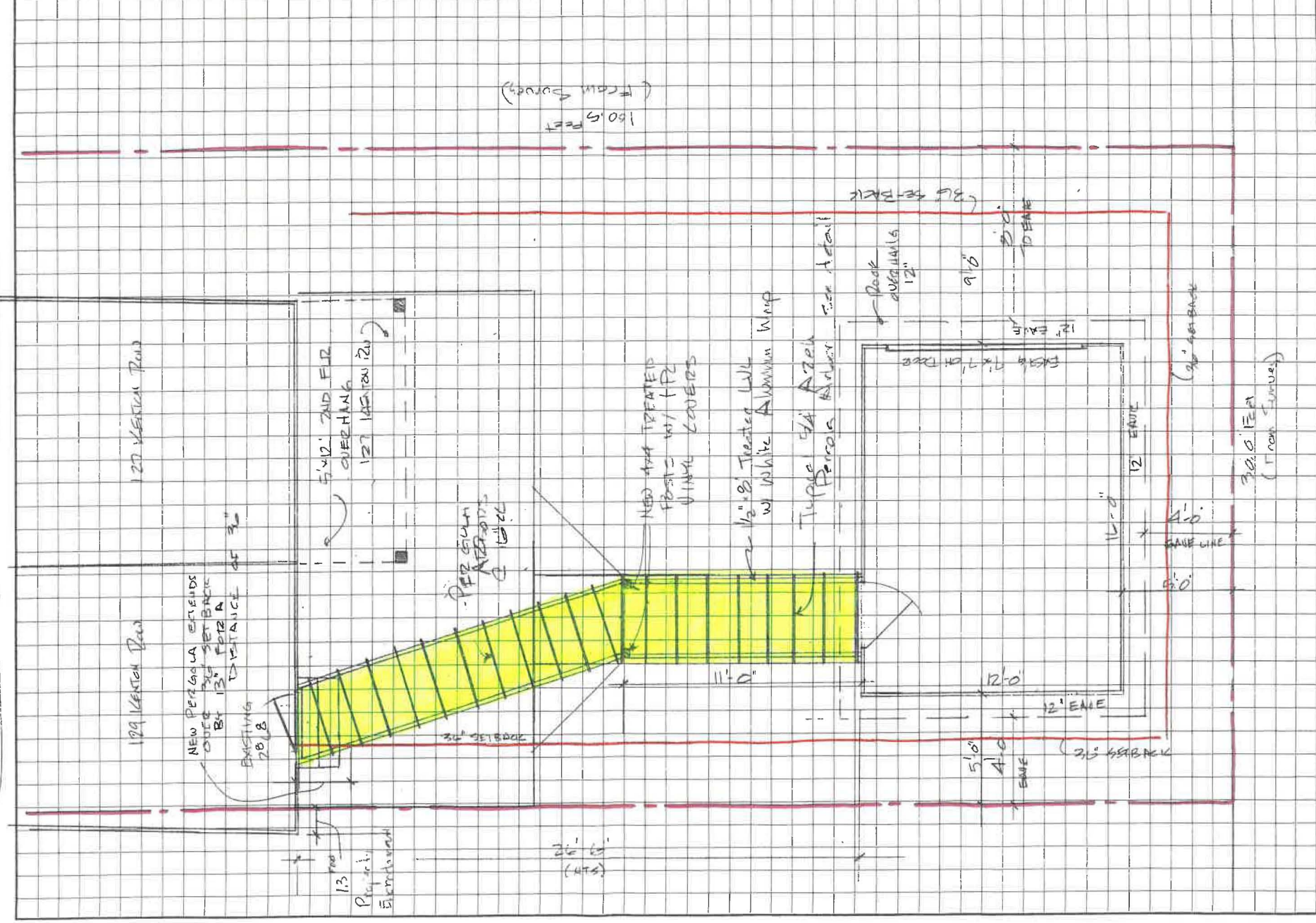
OF 9

DRAWN BY: BS

DATE: 8/25/2026

SCALE: 1/4" = 1'-0"

Proposed Site Plan



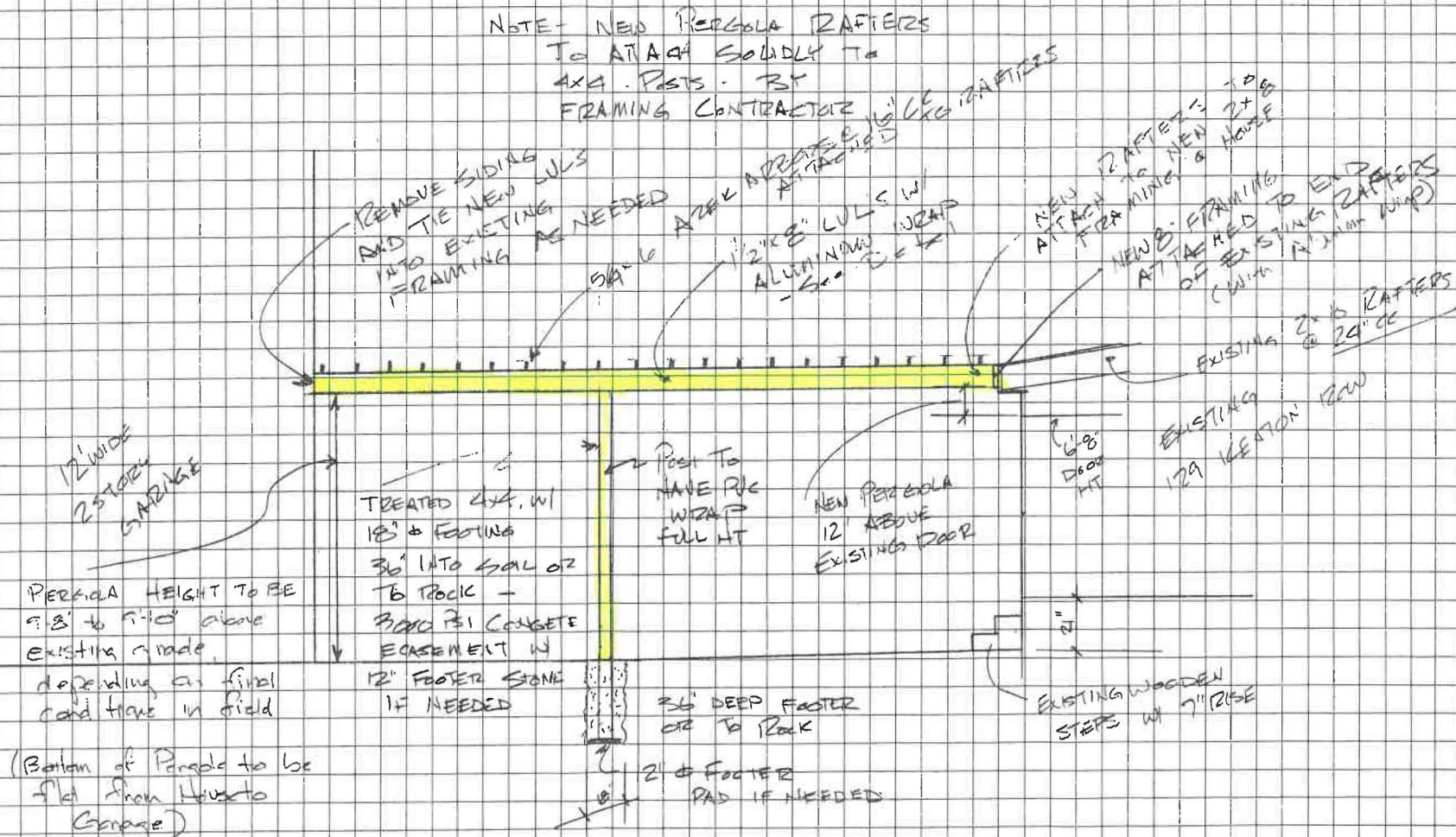
PROJECT: Rottercutter Pergola 129 Kenton Row

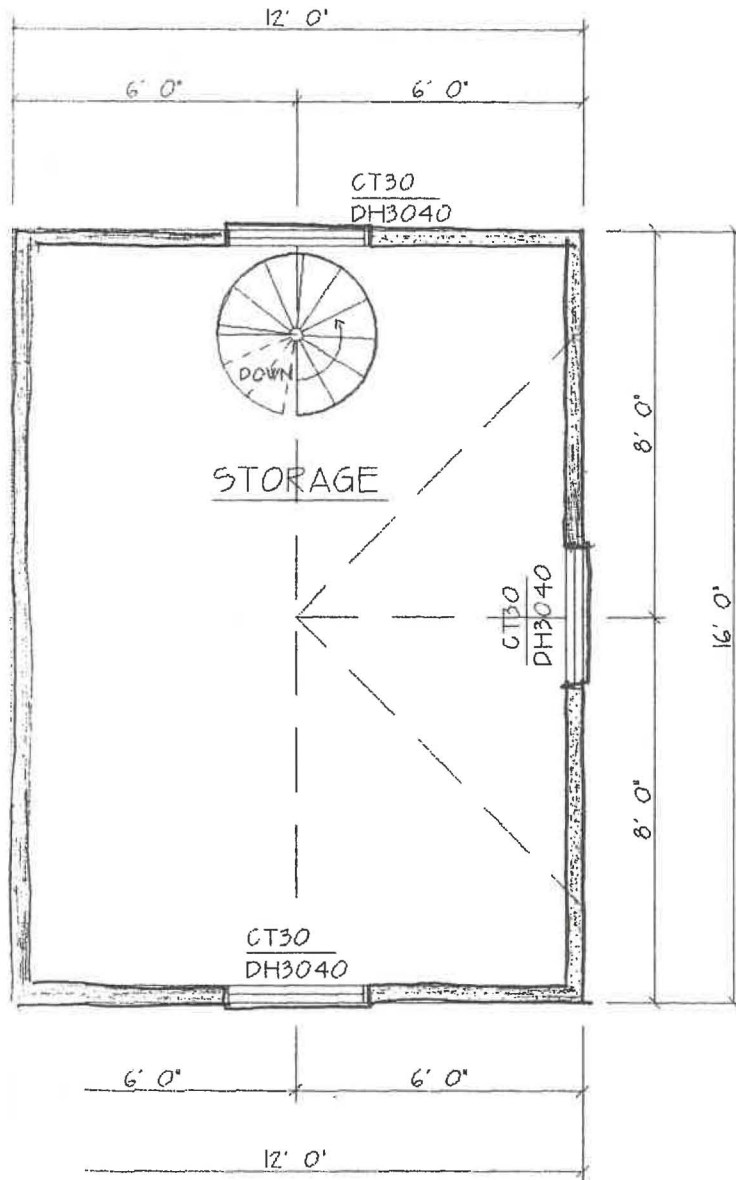
SHEET: 4 OF 9

DRAWN BY: 15 DATE: 8/30/2023

SCALE: 1/4" = 1'-0"

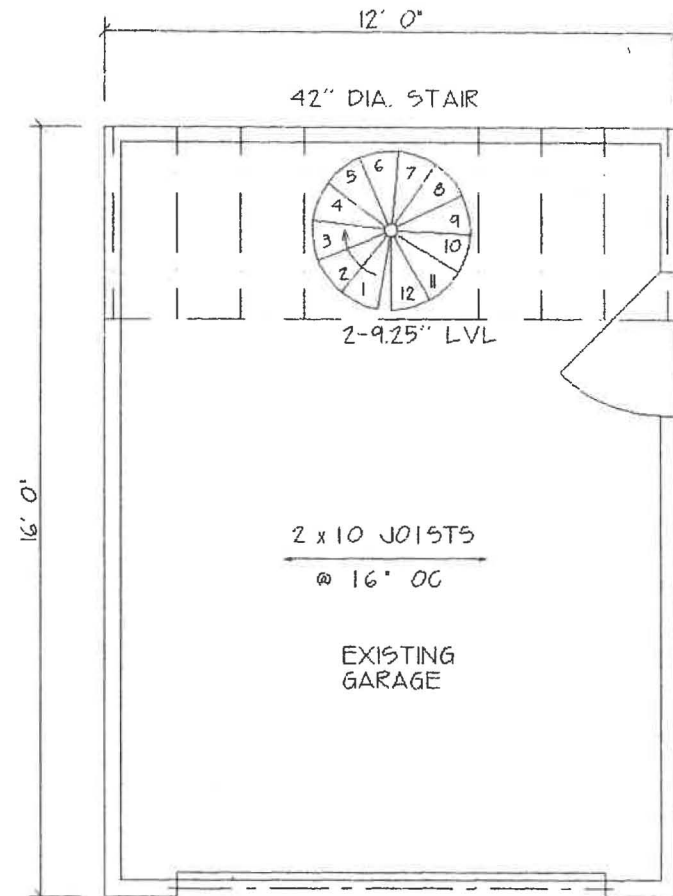
Pergola Cross Section - Looking South





2nd FLOOR PLAN

1/4" = 1'



EXISTING 1st FLOOR PLAN

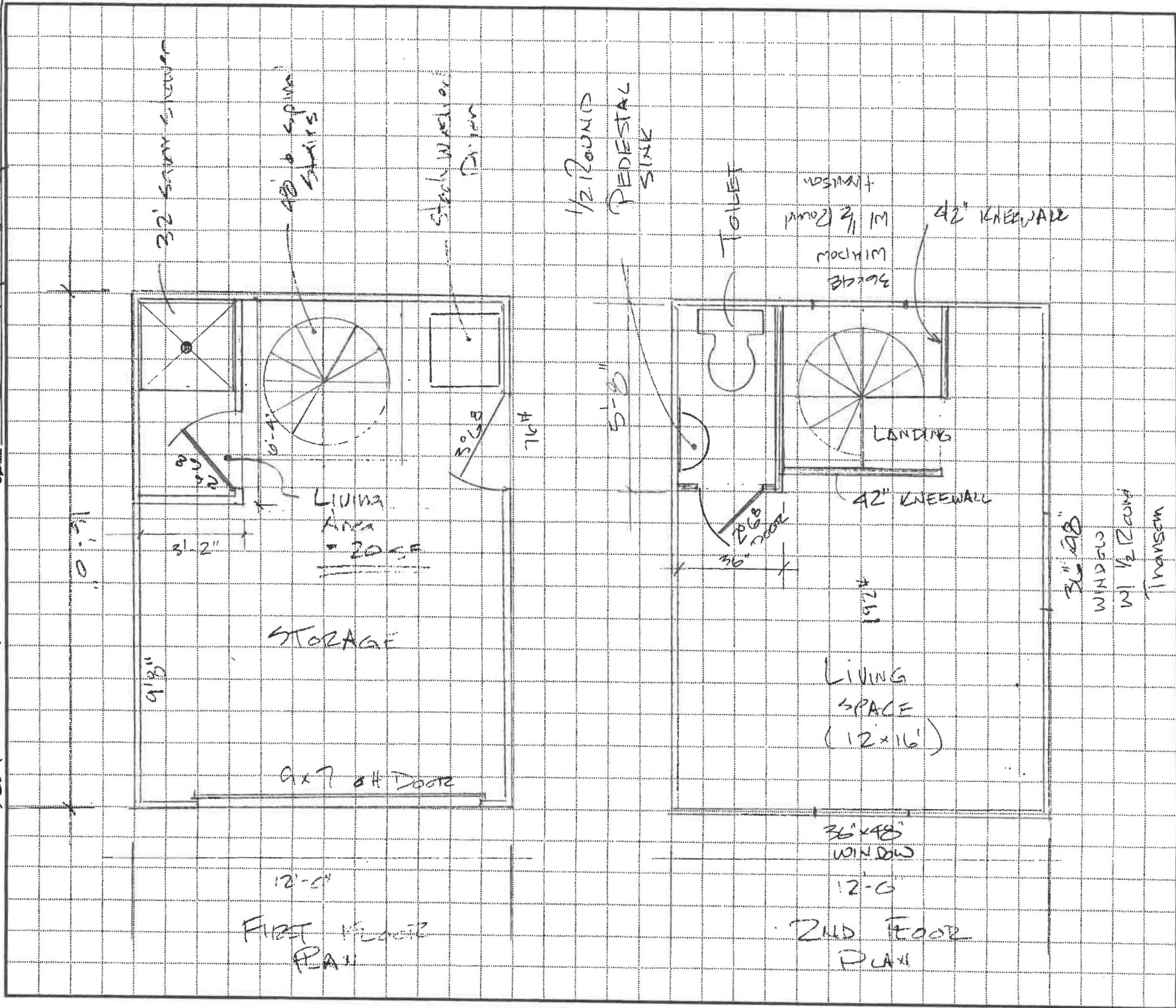
1/4" = 1'

Johnson Designs
Pete Johnson
11706 W Salem Carroll
Oak Harbor, OH 43449
419-898-0234

JOB Zutencotter - 129 Kenton Rd
 SHEET NO. 5 OF 9
 CALCULATED BY JS DATE 8/30/2026

CHECKED BY _____ DATE _____
 SCALE Existing Garage Floor Plans

Scale 1/4" = 1'-0"



NOTE - PERGOLÉ SIDING
AND SOLIDLY FITTING
IN NEW PERGOLÉ TRAPERS

1 1/2" x 8" LVL w/ Alum Wrap

40" out to out
of TRAPERS
(NTS)

Approx 9'-8" to Bottom of Pergola



Sheet 8 of 9

Rotten Cotton - 129 Kenil
- Garage Elevation
JS 8/30/2026

PROVIDE SHEET
METAL RAIN
DIVERTER ON ROOF

REMOVE SECTION
OF GUTTER TO
ATTACH FRAMING
TO ENDS OF RATES

NEW PERGOLA
RAISED TO
ATTACH TO NEW
FRAMING.
-TO BE
WRAPPED
IN WHITE
ALUMINUM

NEW PERGOLA
WILL ENCROACH
IN 2 1/2' LET BACK
APPROX
13"

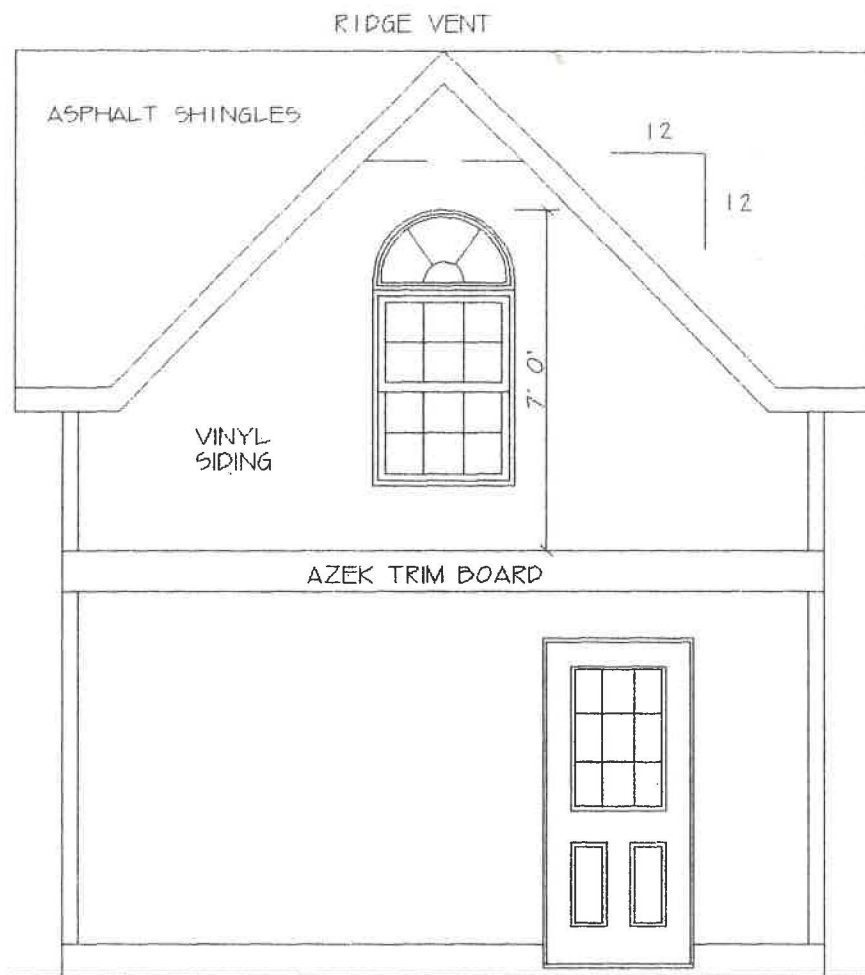
APPROX 9'-0" ABOVE PATIO

NEW
DAMPEN
THE AREA

APPROX
1/2' MET BACK
1/4"

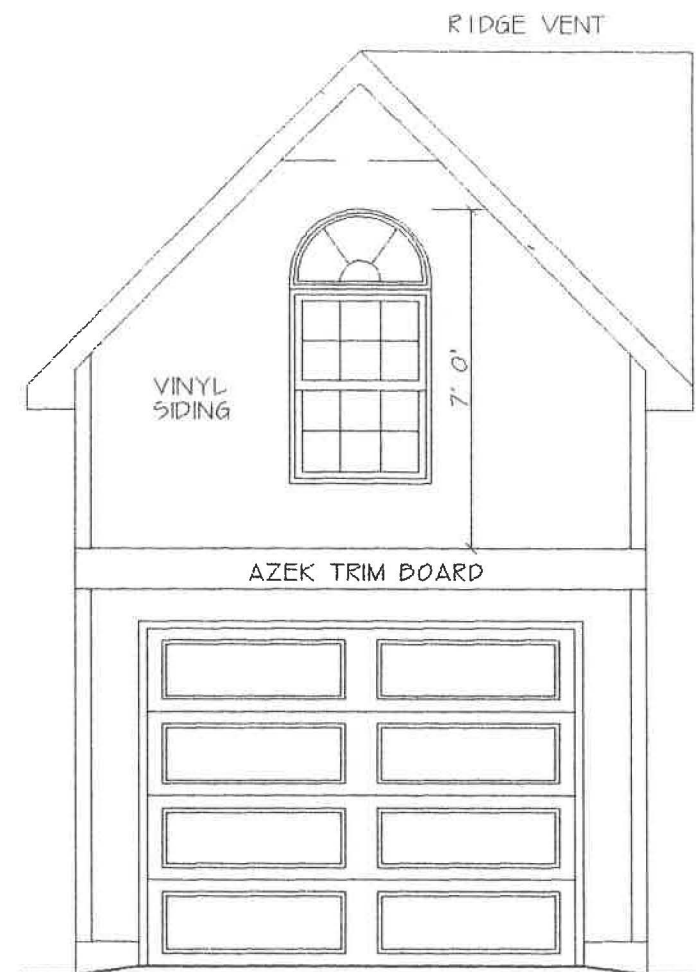
Sheet 7 of 9
Rottenwater 129 Kenton Dr
House Elevation
JS 8/30/2026

Permit 2009-100
Ex. Acc. Bldg
Elevation
18'



RIGHT ELEVATION

East 1/4" = 1'



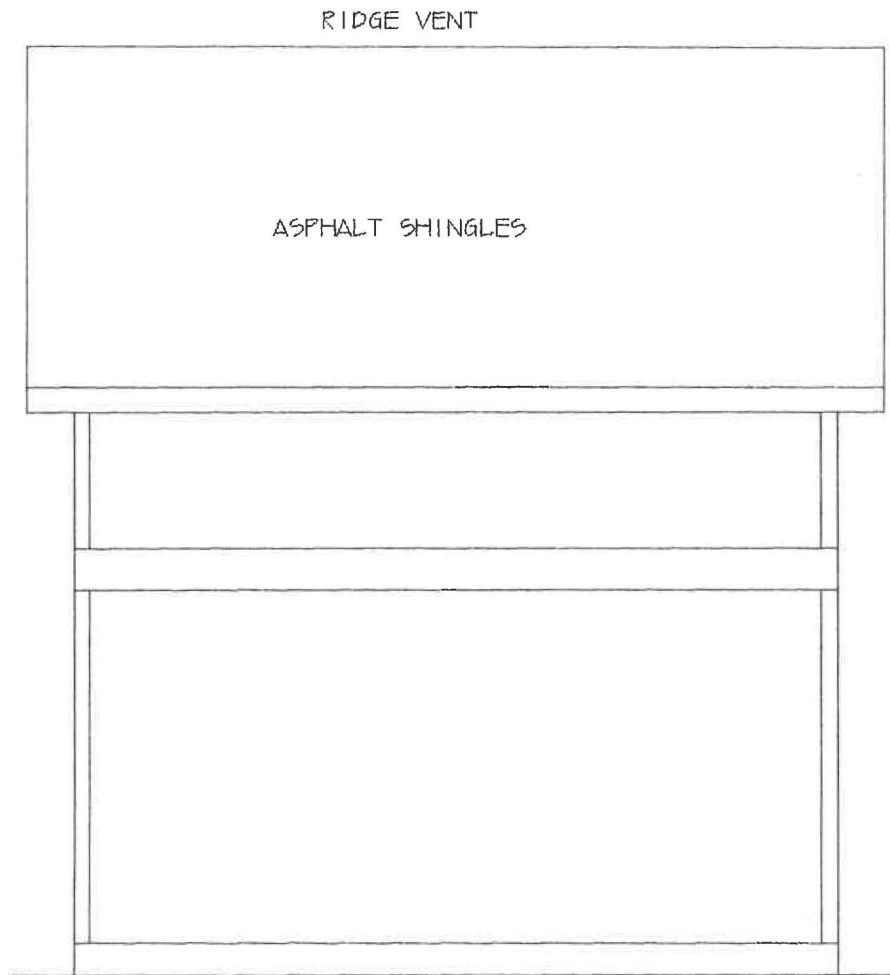
FRONT ELEVATION

north 1/4" = 1'

Johnson Designs
Pete Johnson
11706 W Salem Carroll
Oak Harbor, OH 43449
419-898-0234

Permit 2009-109

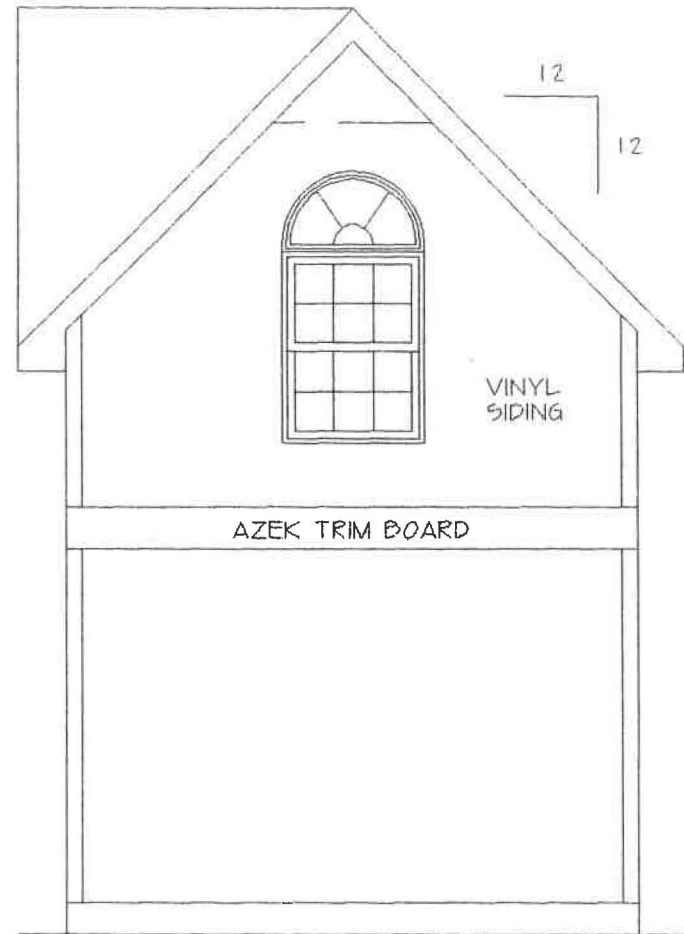
Ex. Acc. Bldg
Elevation
18'



LEFT ELEVATION

West

1/4" = 1'



REAR ELEVATION

South

1/4" = 1'

Johnson Designs
Pete Johnson
11706 W Salem Carroll
Oak Harbor, OH 43449
419-898-0254

(2)

EXHIBIT
Applicant's Ex
3
OCSE Sewer Permit

5832

OTTAWA COUNTY
SANITARY ENGINEERING DEPARTMENT

Telephone: (419) 734-6725
Fax #: (419) 734-6858

Renewal - Sewer - **PERMIT**
FOR CONNECTION/~~REPAIR~~

Replacement Project #1

DISTRICT: Danbury Twp. W.W.T.S. DATE: January 14, 1993 Old Permit # 5412 PERMIT # 5832

LOCATION: 7 + 28 (CE 306 pg. 30) EXPIRATION DATE: March 1, 1993

PROPERTY OWNER(S): RUTTENCUTTER, PAUL & LINDA

ADDRESS: 127 & 129 Kenton Row Lakeside Ohio 43440
STREET CITY STATE ZIP TELEPHONE NO.

BILLING
ADDRESS: 4085 Leona Ct Hamilton Ohio 45013
STREET CITY STATE ZIP TELEPHONE NO.

TYPE OF BUILDING LOCATED ON PARCEL: Duplex

CONTRACTOR MAKING CONNECTION: Dave Shrock 16
NAME LICENSE NUMBER

FEES AND CHARGES:

MISCELLANEOUS:

PERMIT FEE: \$ 25.00

LEGAL DESCRIPTION: 1kad. Blk. 1 Lot 5

INSPECTION FEE: \$ _____

PARCEL NUMBER: _____

CONNECTION CHG. \$ _____

TYPE OF SEWER: Gravity main/connection

EQUAL. FEE: \$ _____

G.P. NUMBER: _____

TAP-IN FEE: \$ _____

METER SIZE/STYLE: _____

OTHER: \$ _____

TOTAL \$ 25.00

1/12/93 James K. Frey
DATE SANITARY ENGINEER

PAID IN FULL ON ... 1/12/93

3-10-93 James McWilliam
DATE INSPECTOR

ALL WORK SHALL BE IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE OTTAWA COUNTY SANITARY ENGINEERING DEPARTMENT AND THE PERMIT APPLICATION.

TWENTY-FOUR (24) HOURS NOTICE MUST BE GIVEN PRIOR TO COMMENCING WORK.

ALL WORK MUST BE VISIBLE FOR INSPECTION AND APPROVAL BY COUNTY PERSONNEL.

AUTHORITY FOR THE ENFORCEMENT OF THE OTTAWA COUNTY SANITARY ENGINEERING RULES AND REGULATIONS IS GIVEN UNDER THE AUTHORITY OF THE OHIO REVISED CODE 6117.01 FOR SEWER AND O.R.C. 6103.02 FOR WATER.

BILLING SHALL BEGIN ON THE DATE OF FINAL INSPECTION BY THE COUNTY INSPECTOR.

OTTAWA COUNTY
SANITARY ENGINEERING DEPARTMENT

(419) 797-9645 PORTAGE/CATAWBA IS. W.W.T.P.

(419) 734-5953 DANBURY TWP. W.W.T.P.

(419) 734-6725 OFFICE (COURTHOUSE)

PERMIT NO.: N° 9136

WATER

PERMIT FOR

DATE ISSUED: AUGUST 19, 1998
EXPIRATION DATE: DECEMBER 31, 2000
SUB-DIST./TOWNSHIP: REGIONAL WATER - DANBURY
CONTRACTOR & NO.: JOHN STARCHER

☒ NEW CONSTRUCTION
☐ RE-ESTAB. SERVICE
☐ SPECIAL PROJECT
☒ REPAIR/REPLACE.
☐ RENEWAL

PROPERTY OWNER(S): RUTTENCUTTER PAUL D & LINDA

SERVICE ADDRESS: 129 KENTON ROW STREET CITY: LAKESIDE OH 43440 STATE ZIP CODE

BILLING ADDRESS: 4085 LEONA COURT STREET CITY: HAMILTON OH 45013-9522 STATE ZIP CODE

LOCAL TELEPHONE NO.: 513-738-4341 OTHER TELEPHONE NO.:

LEGAL DESCRIPTION: LAKESIDE BLOCK 1 LOT 5 PARCEL NO.: SKY 014-09154-19315-000

PROPOSED/EXISTING STRUCTURE(S) INFO.:

RESIDENTIAL ☒ COMMERCIAL
TYPE: MULTI-FAMILY DWELLING

CAPACITY: E.D.U.s: 2.0

DESCRIPTION OF WORK UNDER THIS PERMIT:

INSTALLATION OF NEW SERVICE LATERAL FOR
CONNECTION TO THE REGIONAL WATER SYSTEM
ASSESSMENT ROLE VERIFIED

FEES AND CHARGES:

PERMIT FEE: \$ 25.00
INSPECTION FEE: \$
CONNECT. CHG./FEE \$
TAP-IN FEE: \$
EQ. ASSESS. FEE: \$
EQ. CAP. CHARGE: \$
TOTAL: \$ 25.00

MISCELLANEOUS:

CONTRACT/SHEET NO: C 134
MAIN DIAM./TYPE:
SERV. CONN. INFO:
METER SIZE/STYLE: 5/8"
IS A TAP SHEET ATTACHED TO PERMIT?
G.P. NUMBER/TYPER:
COUNTY SUPPLIED/CREDIT GRINDER PUMP?
RECORDED EASEMENT ON FILE (IF REQ'D.):

PAID IN FULL ON: 8/19/98

I HEREBY CERTIFY THAT THE WORK WAS COMPLETED:

SANITARY ENGINEER DATE SIGNATURE OF INSP. ON DATE COMPLETED

STANDARD PERMIT CONDITIONS: (AUTHORITY GIVEN UNDER O.R.C. 6117.01 AND 6103.02)

- ALL WORK SHALL BE IN CONFORMANCE WITH THE OTTAWA COUNTY SEWER DISTRICT RULES/REGS.
- TWENTY FOUR (24) HOURS NOTICE MUST BE GIVEN TO INSPECTOR PRIOR TO COMMENCING WORK.
- BILLING SHALL BEGIN ON THE DATE OF FINAL INSPECTION BY THE COUNTY INSPECTOR.
- CROSS CONNECTIONS WITH OTHER WATER SOURCES ARE PROHIBITED (STATE/LOCAL REGS. VIOLATION)
- CLEAN WATER CONNECTIONS (i.e. sump pumps/downspouts) ARE PROHIBITED IN SANITARY SEWER.

WHITE-OFFICE CANARY-APPLICANT PINK-INSPECTOR GOLDENROD-MASTER FILE



Kathy Dale

To: Ryan Barth
Subject: RE: 127-129 Kenton Row - Ruttencutter

From: Ryan Barth
Sent: Tuesday, September 29, 2026 11:12 AM
To: Kathy Dale
Subject: Re: 127-129 Kenton Row - Ruttencutter

I have not had an opportunity to sit down with our billing specialists yet. Between them being off and me being off for almost a week since your email the opportunity has not come up. I did look into the permits and monthly charges. There are no permits for the work done out back and they are being billed for two sewer accounts and a shared water meter. The department policies have allowed for a detached garage to have sewer generating structures with no additional charges if for personnel or family use only. If they are renting that space out as well then they would owe connection fees and charges, along with additional monthly charges. We may need to have an EDU count/property inspection conducted to verify some information on our end.

Ryan Barth

Administrator
Ottawa County Sanitary Engineering Department
315 Madison Street, Room 105
Port Clinton, Ohio 43452
Ph.
Fax

Our Vision . . . is to Enhance Quality of Life through Environmental Services.

Our Mission . . . is to Provide Safe and Reliable Water and Wastewater Services at a Reasonable Cost.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast, a leader in email security and cyber resilience. Mimecast integrates email defenses with brand protection, security awareness training, web security, compliance and other essential capabilities. Mimecast helps protect large and small organizations from malicious activity, human error and technology failure; and to lead the movement toward building a more resilient world. To find out more, visit our website

On Tue, Sep 29, 2026 at 9:44 AM Kathy Dale <

> wrote:

Ryan –

Were you able to find anything out about this?

Kathryn A. Dale, AICP

Danbury Township Zoning & Planning Administrator

5972 E. Port Clinton Eastern Road

Marblehead, Ohio 43440

P:

F:

Office Hours:

Closed Mondays

T, Th, & F. 9a-3p

W. 9a-11a. & 4p-6:30p

From: Ryan Barth

Sent: Friday, September 11, 2026 1:00 PM

To: Kathy Dale

Subject: Re: 127-129 Kenton Row - Ruttencutter

Thanks, Kathy. I will dig into this and get back to you. Have a great weekend.

Ryan Barth

Administrator

Ottawa County Sanitary Engineering Department

315 Madison Street, Room 105

Port Clinton, Ohio 43452

Ph.

Fax

Our Vision . . . is to Enhance Quality of Life through Environmental Services.

Our Mission . . . is to Provide Safe and Reliable Water and Wastewater Services at a Reasonable Cost.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast, a leader in email security and cyber resilience. Mimecast integrates email defenses with brand protection, security awareness training, web security, compliance and other essential capabilities. Mimecast helps protect large and small organizations from malicious activity, human error and technology failure; and to lead the movement toward building a more resilient world. To find out more, visit our website.

On Fri, Sep 11, 2026 at 11:49 AM Kathy Dale <

rote:

Ryan –

This property, 127-129 Kenton Row received permits in 1993 for a 12' x 16' shed and then came back to add a 2nd story to the shed in 2009 for additional storage. At some point water and sewer were extended to the shed building because a stacked washer & dryer are on the ground floor of the shed as well as a shower. A toilet & sink are on the 2nd floor of the shed. The owner is claiming that this was permitted by these attached permits. If there was a site plan attached to these permits, they didn't include it, but the way I read this, it sounds more like it had to do with the main house on the property.

We received a complaint in June that the shed was being inhabited by the property owners while they rented out the front two units in the main house. We sent them a violation letter, which they received. The owner came into the office and I pointed out to them that the permits we had on file clearly indicated storage in the shed and never showed a bathroom or shower. They admitted they are staying upstairs in the shed and what utilities are in the building. They would not, and still have not committed as to when they started staying in the shed or when the utilities were extended.

In 1993 they did do some extensive remodeling to the main house, which included upgrades to the bathrooms. In 2001, they did a master addition on the 2nd story of Unit 127 (north unit) which included a new master bath. Then in 2019, the owners did a 2nd story bathroom addition on Unit 129 (south unit) and needed variances from us due to the proximity to the south property line of that addition. During their hearing, they gave the full impression they would stay in one unit and rent out of the other unit. There was never any mention in 2019 about a habitable space in the shed or even that the shed had the washer & dryer out there or a bathroom.

Bottomline, I'm trying to piece together when the utilities were extended to the shed, and if it was done so legally. Can you please confirm if utility extensions were ever approved by your department to the shed?

Thanks,

Kathryn A. Dale, AICP

Danbury Township Zoning & Planning Administrator
[5972 E. Port Clinton Eastern Road](#)
[Marblehead, Ohio 43440](#)

P:

F:

Office Hours:

Closed Mondays

T, Th, & F. 9a-3p

W. 9a-11a. & 4p-6:30p

Email Fraud Disclaimer Please be aware that only emails originating from an email address are legitimate. If you receive an email that does not come from this domain, it should be considered fraudulent and ignored. If you have any questions or wish to verify the legitimacy of an email, please contact the zoning office at

Concerned Community Members
Lakeside, OH

Rec'd



METROPLEX MI 480

6 JUN 2025 AM 10 L

Administration

Lakeside Chautauqua + Code Compliance

Attn: Development Ave.

236 Walnut Ave.

Lakeside, OH 43440

REC'D
6/8/26



43440-149693



Received by Lakeside
6/18/26

Concerned Community Members
Lakeside, OH

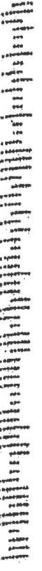
METROPLEX MI 480

6 JUN 2026 AM 10 L



Danbury Township Zoning Department
Attn: Zoning Inspector
5972 E. Port Clinton Eastern Rd.
Marblehead, OH 43440

43440-978272



Received:

Zoning
6/9/26

ZONING COMPLAINT FORM

To Whom It May Concern:

I would like to register the following complaint:

Please see attachment.

(Construction w/out permit, illegal sign, illegal use of property) Please be specific.

Located at the following address: 127 Kenton Row, Lakeside, OH
(Property Address)

Detached garage.

(Describe Location on the Property)

Owned by: Linda & Paul Ruttencutter
(Owner's Name)

I am requesting the assistance of the Township to determine if a zoning violation exists and take the necessary corrective actions.

Complainant may remain Anonymous

Concerned Lakeside Community Member
(Signature of Complainant)

Lakeside, OH

(Address of Complainant)

(Phone Number of Complainant)

Date Filed: June 5, 2026

Rev. 01/02/2018

6/10/26 KAT inspected.
A/C Unit on 2nd Story: TV
antenna extended to Bldg.
OCSE contacted. They state
they have no record of
improvements for shed to
be supplied w/ water/sewer

To Whom It May Concern,

I am writing anonymously as a concerned community member to report a major zoning, safety, and building code violation at 127 Kenton Row, Lakeside, OH 43440.

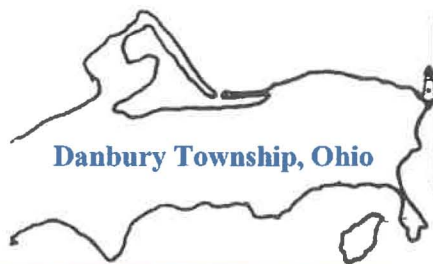
The primary home on this parcel is currently configured and utilized as a duplex. However, the owners have secretly converted the detached garage loft into a finished, separate living space. The building currently maintains a working single vehicle garage bay on the ground floor, but the second floor has been built out into unpermitted living quarters that are actively being occupied for human habitation.

By adding a third residential unit to this parcel, the property has been illegally converted into a Three-Family Dwelling / Triplex. This setup creates several severe and immediate violations:

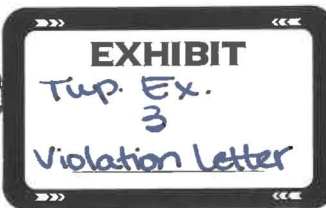
1. Danbury Township "L" District Zoning Violations: This unauthorized density modification directly violates the maximum family/density caps permitted on a single cottage lot within the Lakeside Zoning District.
2. Lakeside Rules & Regulations (Title 3 Breach): This structural change of use and modification to an outbuilding was executed entirely without a review or Certificate of Appropriateness from the Lakeside Historic Preservation & Design Review Board (HP&DRB).
3. Ohio Commercial Building Code Threshold: Because the property now houses three distinct living units, it legally triggers the Ohio Commercial Building Code. The unpermitted garage conversion lacks the mandatory fire-rated ceiling assemblies, structural separations, and emergency egress windows required to safely park vehicles under sleeping quarters.
4. Property Tax Evasion: The structure remains erroneously classified on county records as a simple one-story utility garage (RG1-FR). The owners are entirely evading appropriate property tax assessments for the finished square footage and multi-unit utility footprint of the second floor.

Because this illegal modification poses an immediate safety and fire hazard to the occupants and the surrounding historic cottages, I ask that Lakeside Administration and Danbury Township Zoning step in immediately. Please dispatch a code official to inspect the unpermitted "change of use" and issue a formal Notice to Comply/Order to Vacate.

Thank you for your prompt attention to protecting our community's safety, tax fairness, and historic integrity.



Danbury Township, Ohio



0960 E 2573 0960
7022 0410 2207

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
Hamilton OH 45013	
Certified Mail Fee \$5.30	0364 91
Extra Services & Fees (check box, add fee if appropriate)	Postmark Here
☐ Return Receipt (hardcopy) \$0.00	
☐ Return Receipt (electronic) \$0.00	
☐ Certified Mail Restricted Delivery \$0.00	
☐ Adult Signature Required \$0.00	
☐ Adult Signature Restricted Delivery \$0.00	
Postage \$0.78	06/15/2026
Total Postage and Fees \$6.08	
Sent To Rutencutter Holding, LLC	
Street and Apt. No., or PO Box No. 4085 Leona Ct.	
City, State, ZIP+4® Hamilton, OH 45013	
PS Form 3800, April 2015 PSN 7530-02-000-9047	See Reverse for Instructions

WARNING OF ZONING VIOLATION

June 15, 2026

6/18/26 - Linda: Paul visited office
Rutencutter Holdings, LLC See notes on back
4085 Leona Court
Hamilton, Ohio 45013

RE: **Illegal Use – 3-Family**
127/129 Kenton Row
Danbury Township, Ottawa County, Ohio

7/11/26 @ 10pm inspected. No lights on in unit.

To Whom It May Concern,

Please be advised that we are receiving word that you may be using the property at 127/129 Kenton Row in Lakeside illegally as a 3-Family, specifically above the accessory structure at the rear of the property. According to all of the Township records, the principal structure, or house, is a grandfathered, nonconforming 2-family structure addressed as 127 & 129 Kenton Row. The property is taxed as a two-family as well.

In February 1993, under permit# 1993-022 a 4' x 8' shed was approved which was to replace a pre-existing 4.5' x 6.1' shed. Later that year, in August 1993, permit# 1993-122 was issued for a 12' x 16' x 11'7" tall garage connected to the house with a 4' x 28' breezeway. The breezeway was never constructed. Then in October 2009, permit# 2009-109 was issued to add a 2nd story addition onto the existing garage for storage purposes only.

According to Section 7.5.2 of the Danbury Township Zoning Resolution, should there be a change in the use of land, occupancy, or of an existing building or accessory building to a different use or classification, a zoning permit shall be required. No permit application has been received. Any interior work to convert this space into living space would have likely required Ottawa County permits as well, especially if utility services such as sewer and water were extended or any improvements to plumbing, electrical and HVAC were made. Upon checking with the applicable County offices, no permits or authorizations have been granted or issued by them either. Section 7.5.1.A of the Danbury Township Zoning Resolution states in part: "It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, converted or enlarged, wholly or partly, until a zoning certificate/permit shall have been issued by the Zoning Inspector."

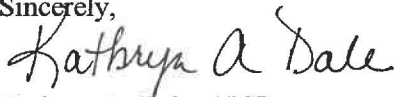
Furthermore, Section 5.2.3 of the Danbury Township Zoning Resolution states "No accessory building shall be converted into living quarters or inhabited for overnight stay, offered for rent or used by someone other than the property owner, unless otherwise permitted by this resolution." To clarify, the intent of this language when it refers to being 'used by someone other than the property owner' is in regard to storage and not leasing out storage space.

You hereby have 7 days upon receipt of this letter, to reach out to my office regarding this matter. If this space is indeed being used illegally, then **any further usage as a dwelling unit shall cease immediately.** In order to resolve this matter, we would like to inspect the interior of the space before proceeding with any further discussion about whether variances or other options may or may not be available.

Failure to comply with this letter or the actions required could result in additional penalties as outlined in Section 7.3 & 7.4 of the Danbury Township Zoning Resolution and ORC 519.99, which can include an injunction, mandamus, abatement, civil action in the Court of Common Pleas, or any other remedies appropriate by law and could be subject to a \$500.00 per day, per offense fine.

Thank you in advance for your timely response to this matter.

Sincerely,



Kathryn A. Dale, AICP

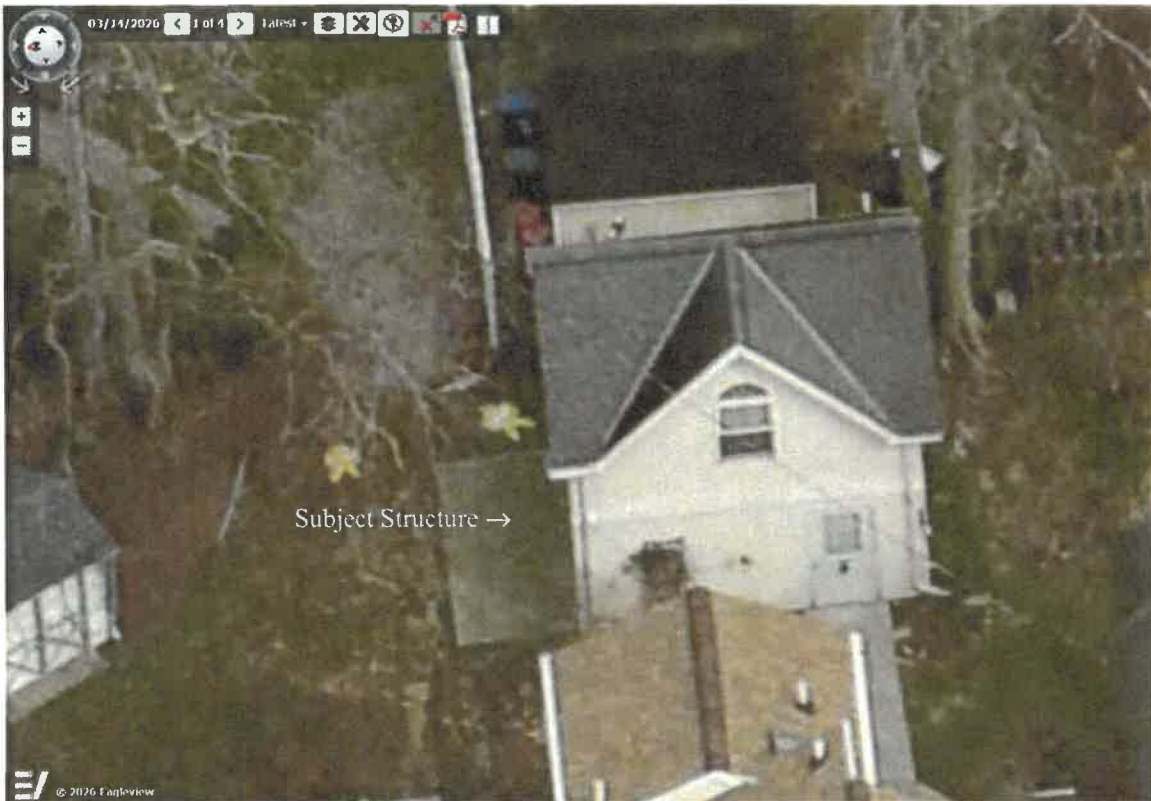
Danbury Township Zoning & Planning Administrator

6/18/26 - Linda: Paul came into office. Owner initially defensive & confrontational re: letter. Advised that accessory bldgs. are not permitted for habitation: 3-families are not permitted in Lakeside. Owner initially denied staying in shed. Pointed out to them their 1993 & 2009 permits on the shed, specifically identifying storage. Owner asked for copies of these permits: then changed their tune & eventually admitted to a bathroom being installed in the shed. Discussed options to add a breezeway to connect the shed to the principal structure or a Use Variance for a 3-family.

127-129 Kenton Row
06.10.26



127-129 Kenton Row
06.10.26



EXHIBIT

Twp. Ex

1993 Zoning Permit

T.Z. - 1

DANBURY TOWNSHIP**APPLICATION FOR ZONING PERMIT**Application # 93-122Township of DANBURY, Ottawa County, Ohio

To The Township Zoning Commission:

The undersigned hereby applies for a zoning certificate for the following use, to be issued on the basis of the representations contained herein, all of which applicant says are true:

1. Location of Property 127-129 KENTON ROW
Section _____ Block 1 Lot 5 Subdivision LAKE SIDE
2. Name of Land Owner PAUL RITTENCUTTER
Address 4085 LEONA COURT HAMILTON O. 45013
3. Occupant Same
4. Proposed Use (explain) GARAGE/ADDITION W/BREEZEWAY
☒ New Construction _____ Business
_____ Remodeling _____ Manufacturing
_____ Accessory Building _____ Sign Board - Size _____
_____ Residence _____ No. of Families _____ Other
5. Attach sketch of lot, showing existing buildings and proposed construction or use for which application is made. Give dimensions and indicate north and provide the following information:
 - a) Main road frontage 30 feet.
 - b) Set back from side of road right-of-way _____ feet.
 - c) Side yard clearance
S side 3 feet.
N side 21 feet.
 - d) Rear yard clearance 3 feet.
 - e) Depth of lot from right-of-way 100.5 feet.
 - f) Dimensions of building: GARAGE
Width 12 feet. W/4x28
Depth 16 feet. BREEZEWAY
 - g) Highest point of building above the established grade _____ feet.

6. Buildings: Use PRIVATE GARAGE FOR RESIDENTIAL STORAGE

Number of stories _____ Basement _____
Usable floor space designed for use as living quarters, exclusive of basements, porches, garages, breezeways, terraces, attics, or partial stories.

First floor _____ square feet Second floor _____ square feet

Off street parking _____ square feet.

7. Remarks: LAKE SIDE PERMIT #93-23

WITNESS:

DP - E. Ottomotto
Applicant

NOTE: This form to be filed in triplicate.

Do not write below this line

Filed with Zoning Inspector 8-4, 19 93.

ZONING CERTIFICATE

Upon the basis of Application No. 93-122, the statements in which are made a part hereof, the proposed usage is _____ found to be in accordance with the Township Zoning Ordinance and is hereby Approved for the L District.
(approved-rejected)

John C. Egleston
Township Zoning Inspector

Shelby Township, Ottawa County, Ohio

Date application received 8-4, 19 93.

Date application ruled on 8-4, 19 93.

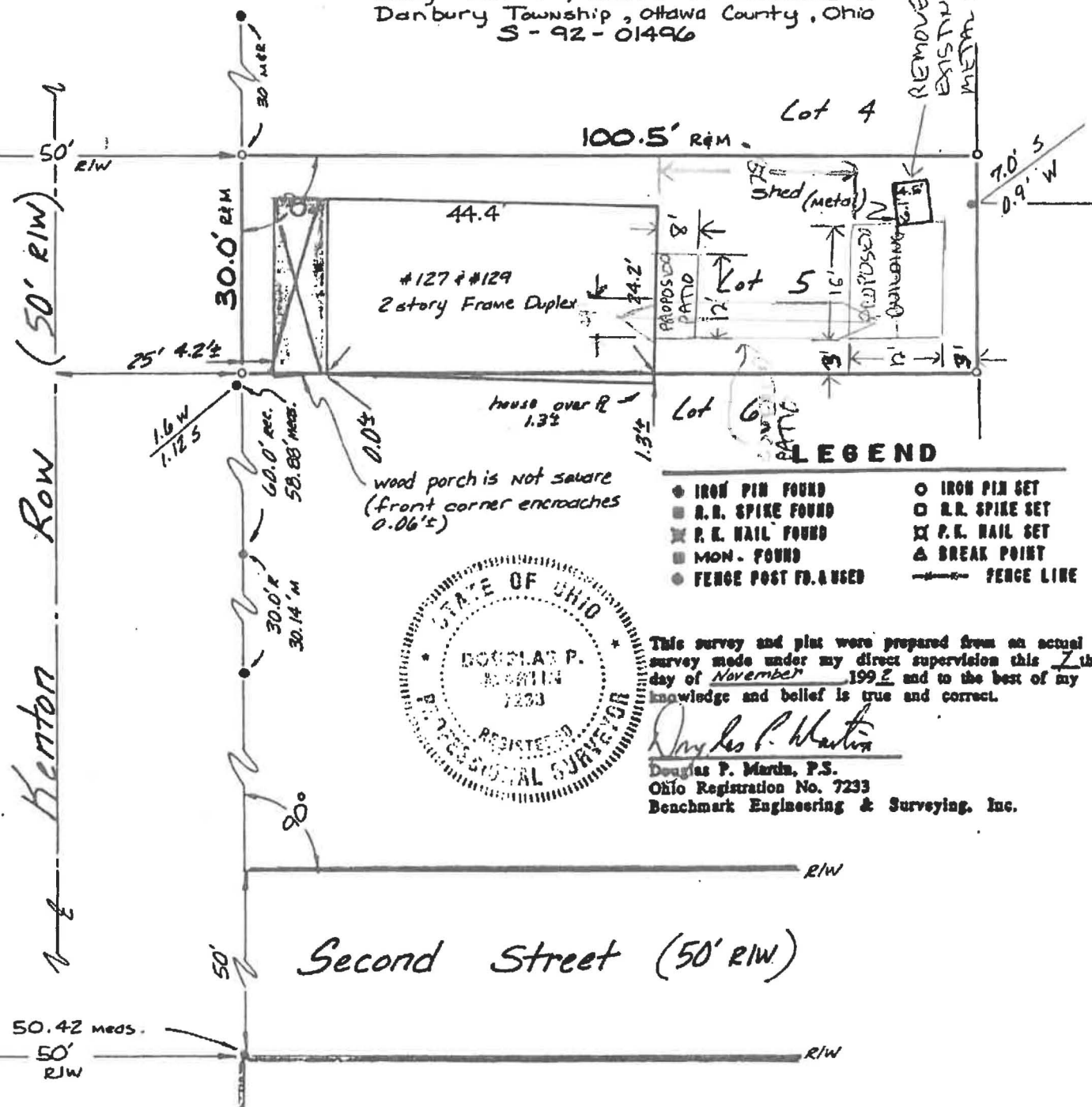
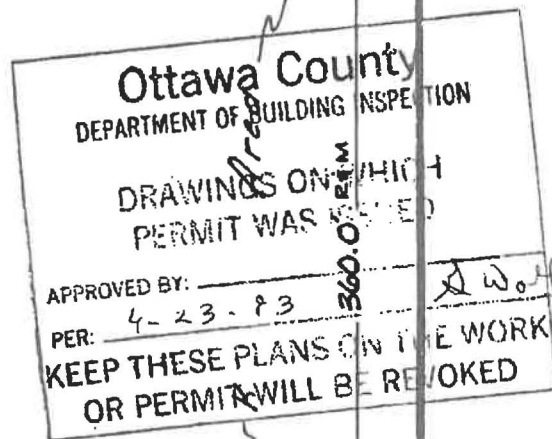
Fee paid \$ 10.00

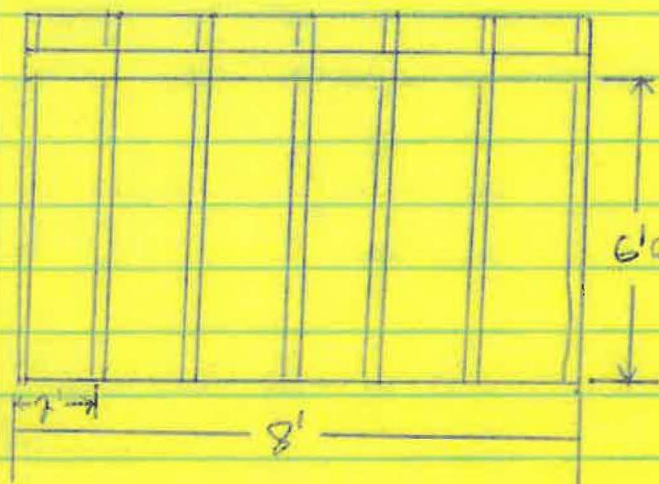
If certificate refused, reason for refusal _____



Legal Description

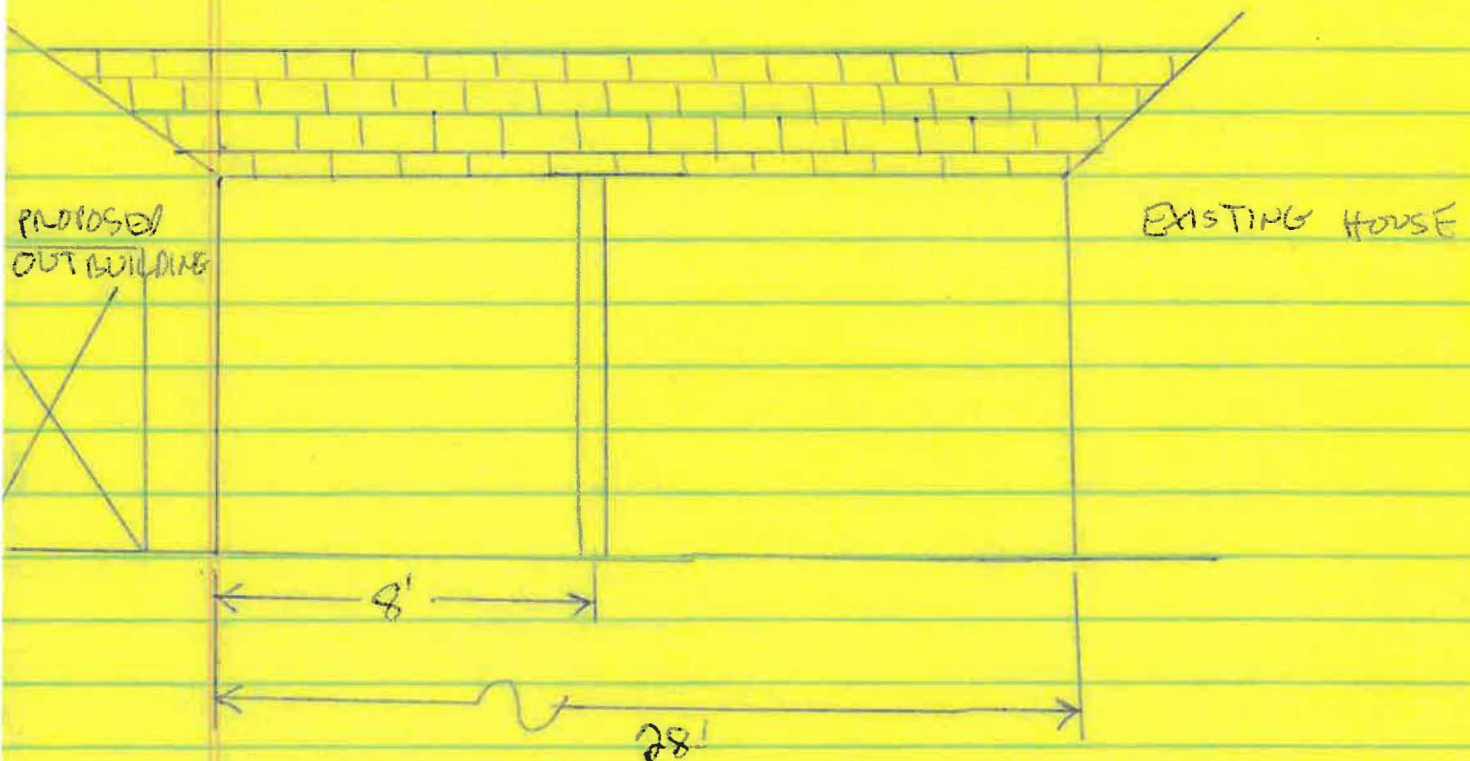
Being Lot 5, Block 1 in Lakeside in Danbury Township, Ottawa County, Ohio
S - 92 - 01496



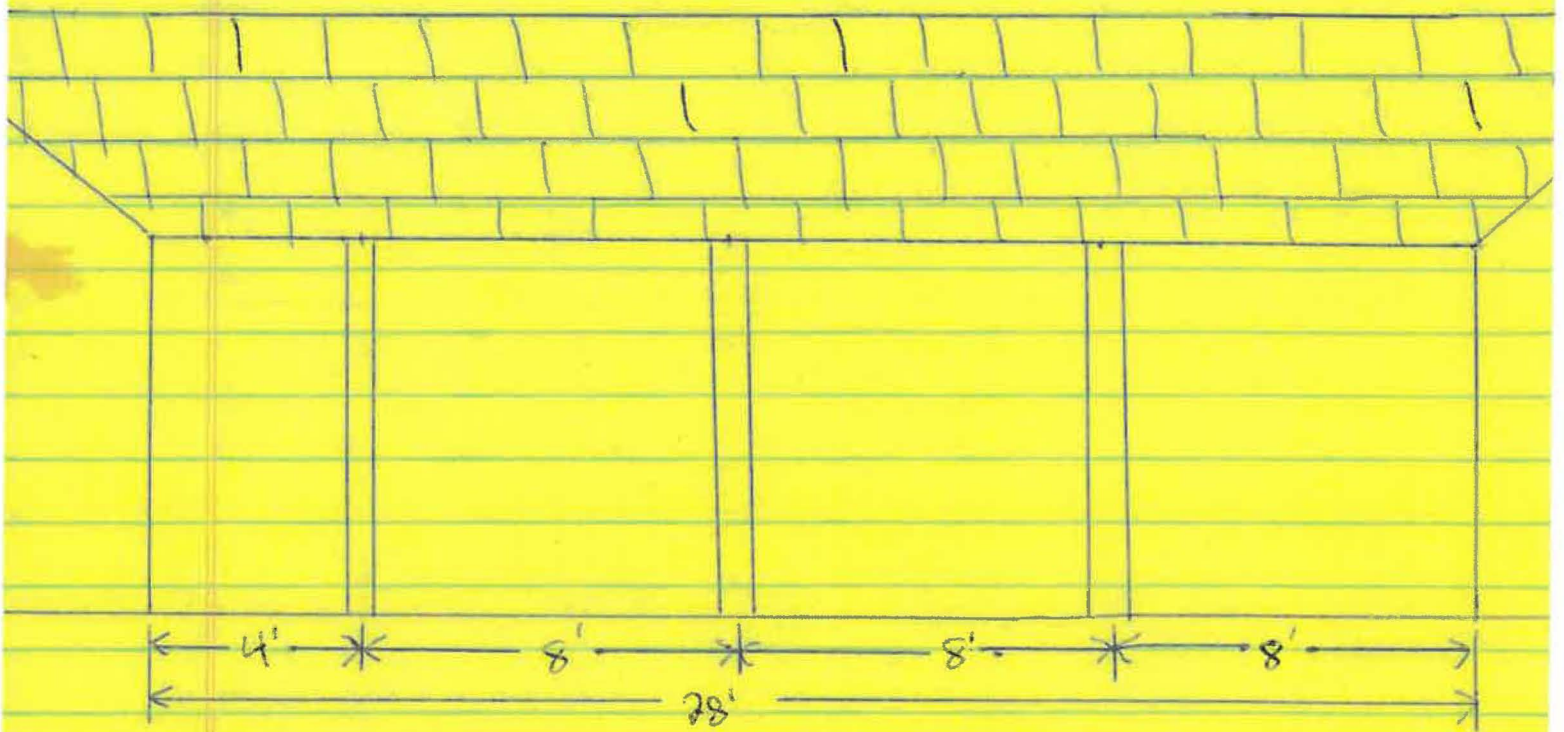


SIDE WALL SECTION
 2x4 STUDS 2' ON CENTER
 2x6 NOTCHED INTO STUDS TO
 SUPPORT UPPER WOODEN FLOOR
 UPPER FLOOR 1/2" PLYWOOD

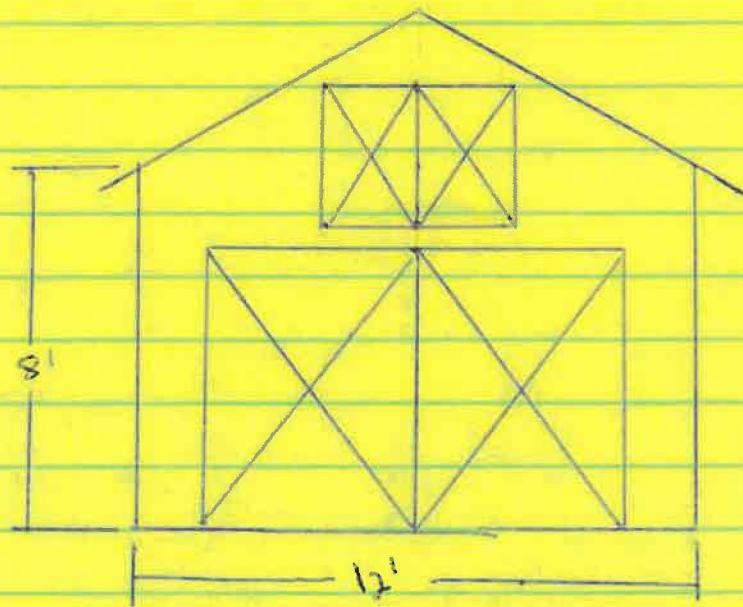
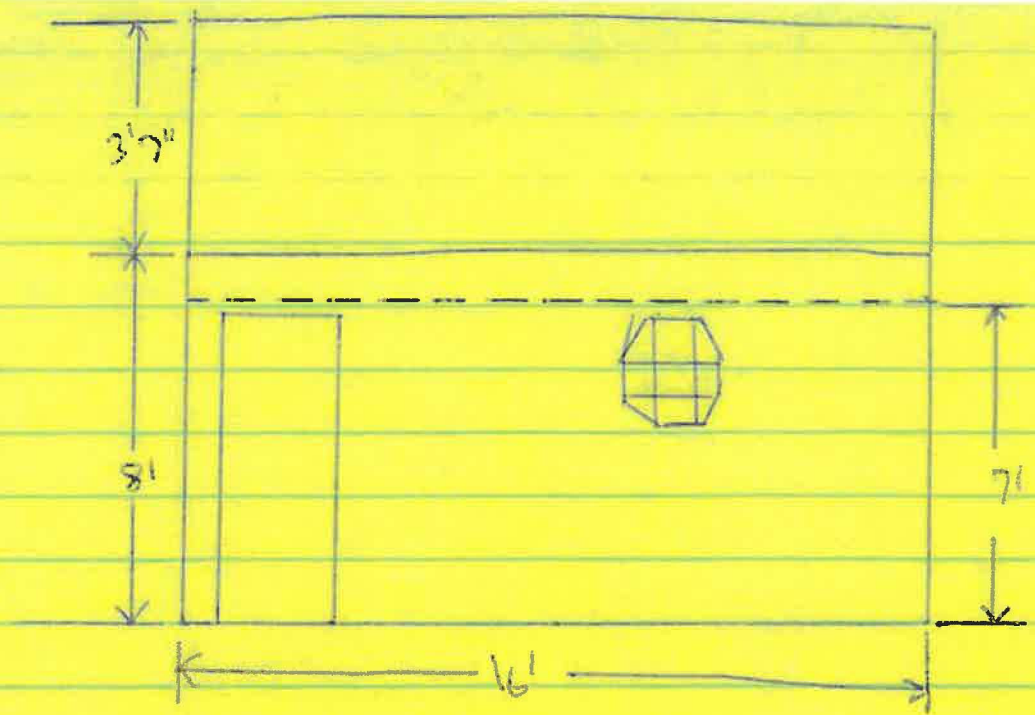
1/4" = 1"



COVERED PATIO WITH 4x4 SUPPORTING POSTS & DOUBLE 2x6
 BEAMS SUPPORTING THE ROOF. FLOOR OF COVERED PATIO
 & CARLIAGE HOUSE 4" CONCRETE WITH MESH
 ROOF TRUSSES 24" ON CENTER



COVERED PORCH CONCRETE FLOOR 4" THICK WITH WIRE MESH
4x4 PRESSURE TREATED POSTS 8' ON CENTER
DOUBLE 2x6 BEAMS FOR ROOF SUPPORT (OR 4x6)
1/2" PLYWOOD SHEETING FOR ROOF
15# ROOFING FELT
FIBERGLASS SHINGLES



$\frac{1}{4}'' = 1'$

CARRIAGE HOUSE TO BE COVERED WITH DUTCH LAP VINYL SIDING SAME AS HOUSE, OR T-111 WOODEN SIDING

The Lakeside Association

No. 23-23

APPLICATION FOR CONSTRUCTION PERMIT

Address

Paul Ruttencutter
127-129 Kenton Row

Lakeside, OH 43440

Date

July 24, 1993

To The Lakeside Association:

The undersigned is the owner of the leasehold premises located at 127-129 Kenton Row in Lakeside, Ohio, and intends to perform the following work in and about said premises:
(In space following, give general description of work you intend to do.)

Construct attached covered breezeway with storage room.

Contractor: Self

Approx Cost: \$1,500.00

Block 1 Lot 5

(Check the items that you consider applicable to your particular work and the improvements that you intend to make.)

New Construction ☒

Exterior Repairs _____

Interior Repairs _____

Interior repairs and alterations affecting:

Plumbing _____

Sewers _____

Electrical Work _____

The undersigned understands that all such work to be done on said premises must be performed according to the CODE OF CONSTRUCTION REGULATIONS OF LAKESIDE; that no permit to commence work will issue from The Lakeside Association until the PLANS and SPECIFICATIONS, when required by said Code of Regulations, have been delivered to and approved by The Lakeside Association, and that INSPECTION must be made by said Association as required in Sections 8 and 9 of said Code of Regulations.

Approved

Donald K Wales

Property Owner

Paul Ruttencutter

DANBURY TOWNSHIP
APPLICATION FOR ZONING PERMIT
(RC 519.16 & 519.17)



Application # 109-09
issued 10-20-09

Township of *Danbury*, Ottawa County, Ohio, 43440

To The Township Zoning Inspector:

Application is hereby made for a zoning certificate. It is understood and agreed by the applicant that any error, mis-statement or mis-representation of fact or expression of fact in the application, either with or without intention on the part of the applicant, such as might, or would, operate to cause the issuance of a permit in accordance with this application, shall constitute sufficient ground for the revocation of the permit at any time.

1. Location of Property 127 Kenton Row
Section _____ Lot B Subdivision Lakeside Sub-Lot 5 Block 1
2. Name of Land Owner Paul & Linda Rutten cutter Phone No. _____
Address 40.85 Leona Ct. Hamilton, OH 45013
3. Occupant owner Phone No. _____
4. Proposed Use (explain) Storage Zoning District L
☐ New ☒ Alteration & ☒ Addition ☐ Move ☒ Accessory Building
☐ Residence ☐ No. of Families _____ ☐ Commercial/ Industrial
☐ Sign Board - Size _____ ☐ Other (explain) 2nd floor addition to existing garage
5. Attach sketch of lot, showing existing buildings and proposed construction or use for which application is made. Give dimensions, indicate *north* and provide the following information:
 - A. Main road frontage 30 feet.
 - B. Set back from side of road right-of way 83 ft.
 - C. Side yard clearance
S side 5 ft.
N side 13 ft.
 - D. Rear yard clearance 5 ft.
 - E. Depth of lot from right-of-way 100 ft.
 - F. Dimensions of building: Existing
Width 12 ft. Depth 16 ft.
 - G. Highest point of building above the established grade 18 ft.

6. Buildings: Use Storage

Number of stories 2 Basement — Off street parking — sf

7. If application is for a non-residential use, list total square footage of building per floor. If application is for a residential use list total area of living space per floor as well as total area of all applicable attachments to the structure.

First floor — sf. Second floor 192 sf. Third floor — sf.

addition

Garage/carport — sf. Decks/porches — sf. Breezeway — sf.

8. Remarks: —

9. Are the property line pins located or have you had a recent survey of the lot — (yes/no)

NOTE: Private deed restrictions may need to be met in some areas of the township.

Mark D. [Signature]
Applicant

Do not write below this line

ZONING CERTIFICATE

Upon the basis of Application No. 109-09, the statements in which are made a part hereof, the proposed usage (is or isn't) is found to be in accordance with the Danbury Twp. Zoning Resolution and is hereby (approved or rejected) approved for the L Zoning District.

Theresa Bette Sowers
Danbury Township Zoning Inspector
5972 E. Port Clinton Rd., Marblehead, Ohio 43440

Date Application Received Oct. 20, 2009

Date Application Ruled On Oct. 20, 2009

Fee Paid \$ 25.00

If certificate refused, reason for refusal —

Permit valid for a period of one (1) year from date of issue.

Mortgage Certificate

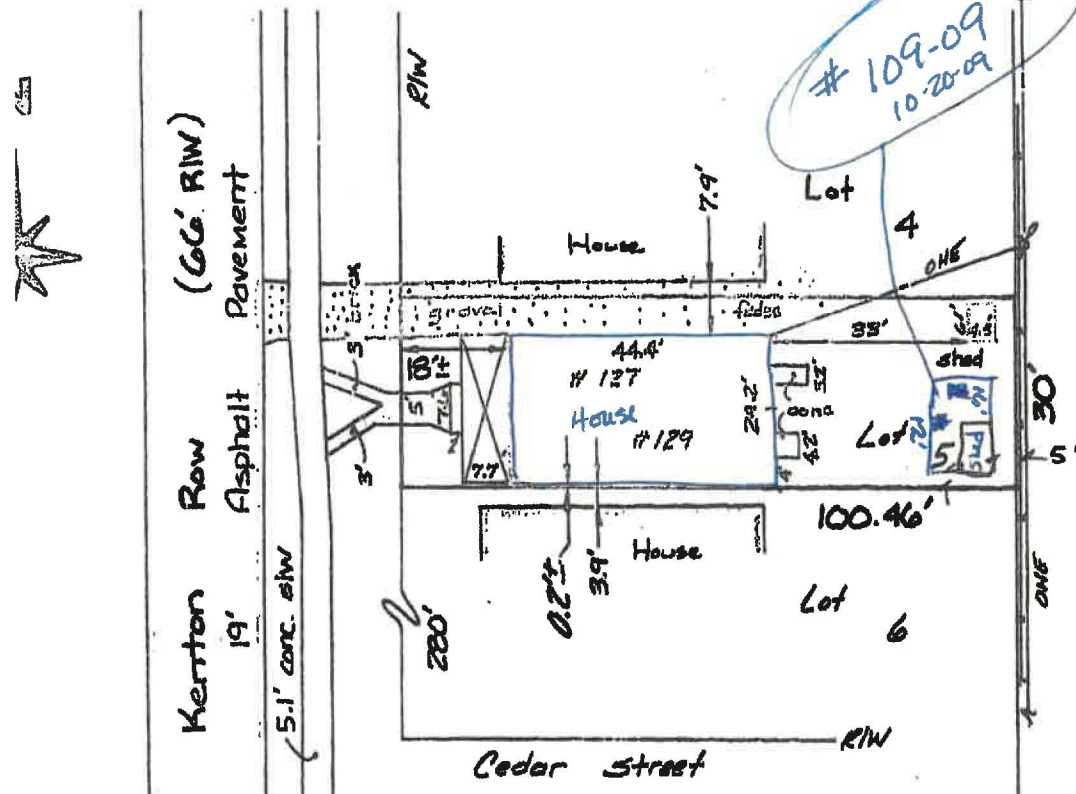
Certified to : BANK ONE, FREMONT NA

Client No. : PC 204197

Seller : Thomas A. & Sandra A. Kern

Buyer : PAUL D. & LINDA M. RUTTENCUTTER

Certification No. : M- 92-01104



Property depicted hereon is located in Zone (Minimal Flooding) as indicated on the Flood Plain Map No. 390342 0200A, dated October 17, 1978.

Property Address : 127-129 Kerton Row

Building : 2 story frame / duplex

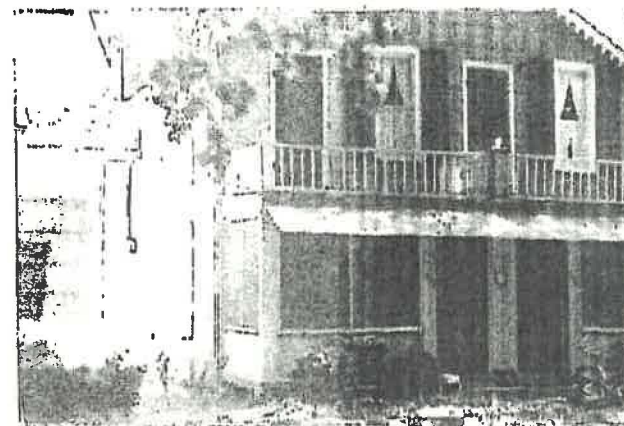
Legal Description : Being Lot 5 Block 1 in Lakeside, in Danbury Township, Ottawa County, Ohio.

Benchmark Engineering & Surveying, Inc. certifies to the named company that it has inspected the herein party for the purpose of a mortgage loan only and that said service is limited to the information depicted upon plat (when applicable) and that no separate examination of additional public records has been made for boundary line agreements, restrictions, regulations, etc. Also per this said information, the buildings and other are actually located within the property and set-back lines, if any, as covered by the legal description as the said company and bear no encumbrances, unless otherwise so noted.

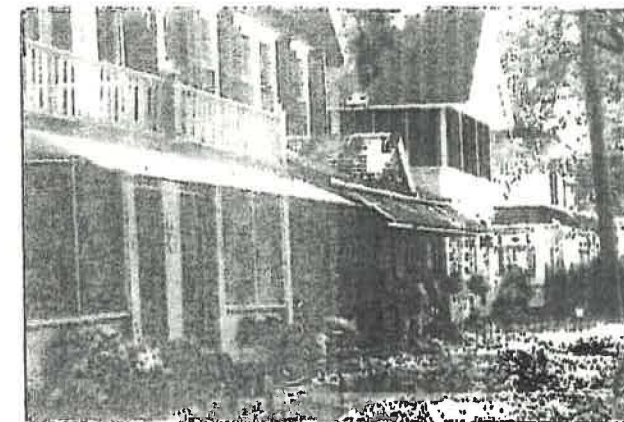
This Mortgage Location Survey was prepared from actual field measurements in accordance with Chapter 4733-37 of the Ohio Administrative Code and is not a boundary survey pursuant to Chapter 4733-37 of the Ohio Administrative Code. Also, this Mortgage Location Survey does not constitute an improvement to said property, and is a final opinion which may be used as a guide to arrive at any decision concerning said property.

As stated, the Mortgage Location Survey does not represent a detailed land boundary survey and no improvements have been set, nor should this survey be used to acquire permits, establish future lines or other existing improvements on said property.

The liability of Benchmark Engineering & Surveying, Inc. is limited to the total fees paid for the service and that by acceptance of this Mortgage Location Survey, these limits are acknowledged by said company.

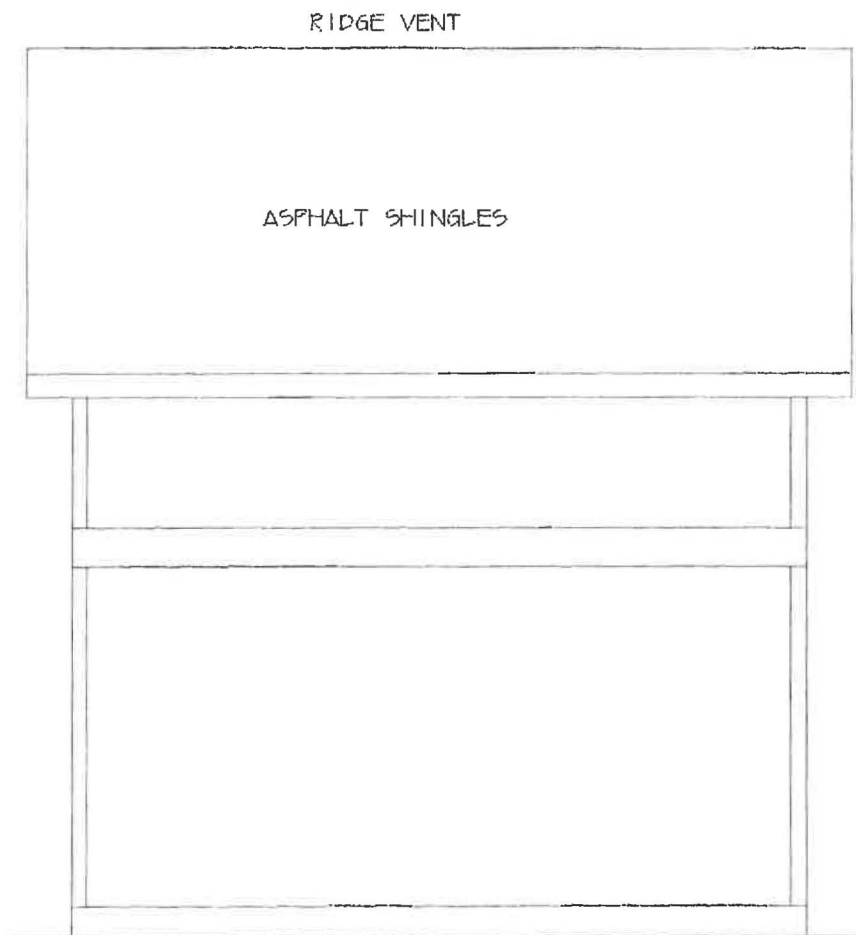


FRONT



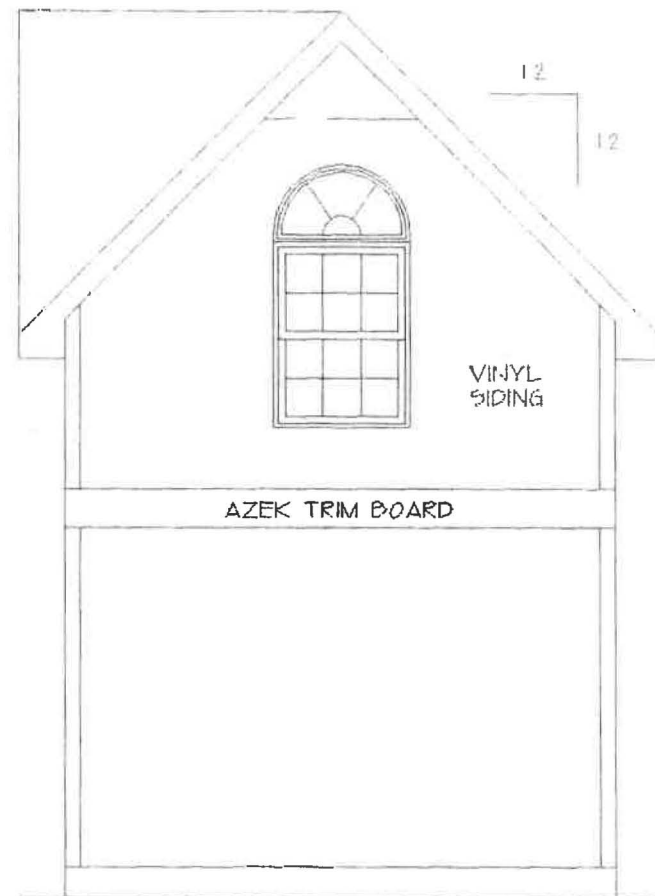
STREET
BENCHMARK ENGINEERING
AND SURVEYING, INC.

5048 DOUGLAS ROAD
TOLEDO, OHIO 43613
(419) 474-1994 (800) 245-4133



LEFT ELEVATION

1/4" = 1'

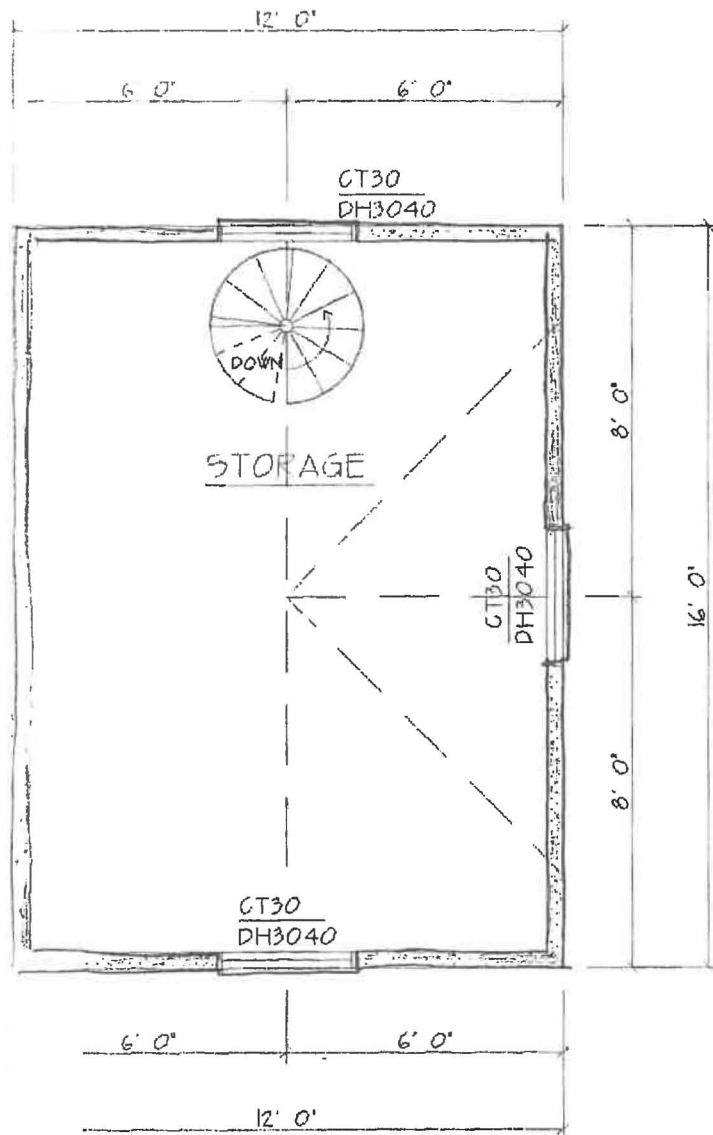


REAR ELEVATION

1/4" = 1'

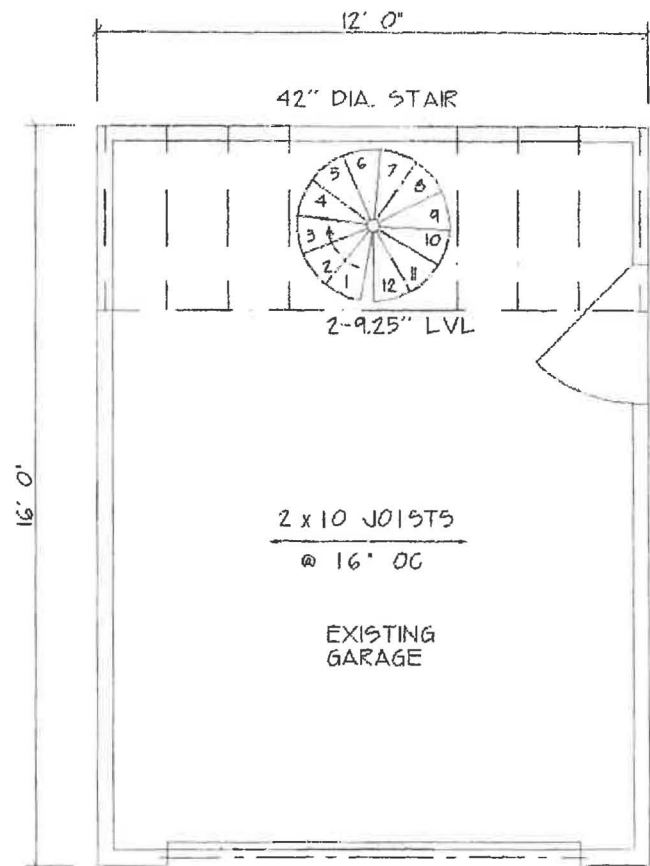
Johnson Designs
Pete Johnson
11706 W Salem Carroll
Oak Harbor, OH 43449
419-898-0234

②



2nd FLOOR PLAN

1/4" = 1'

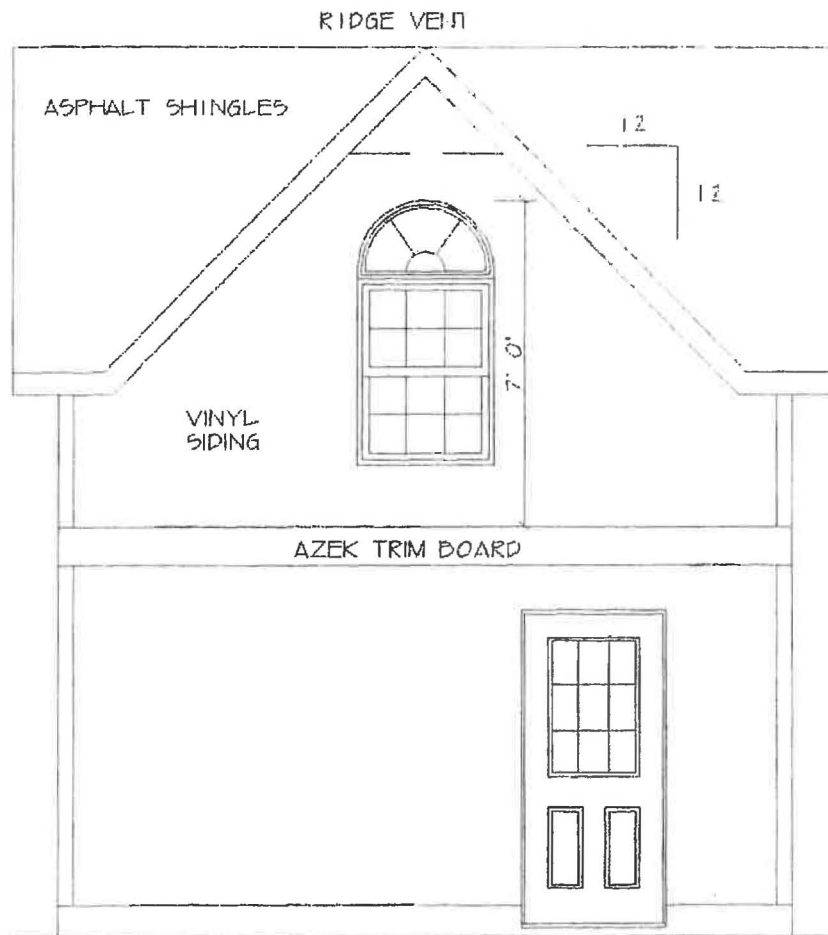


EXISTING

1st FLOOR PLAN

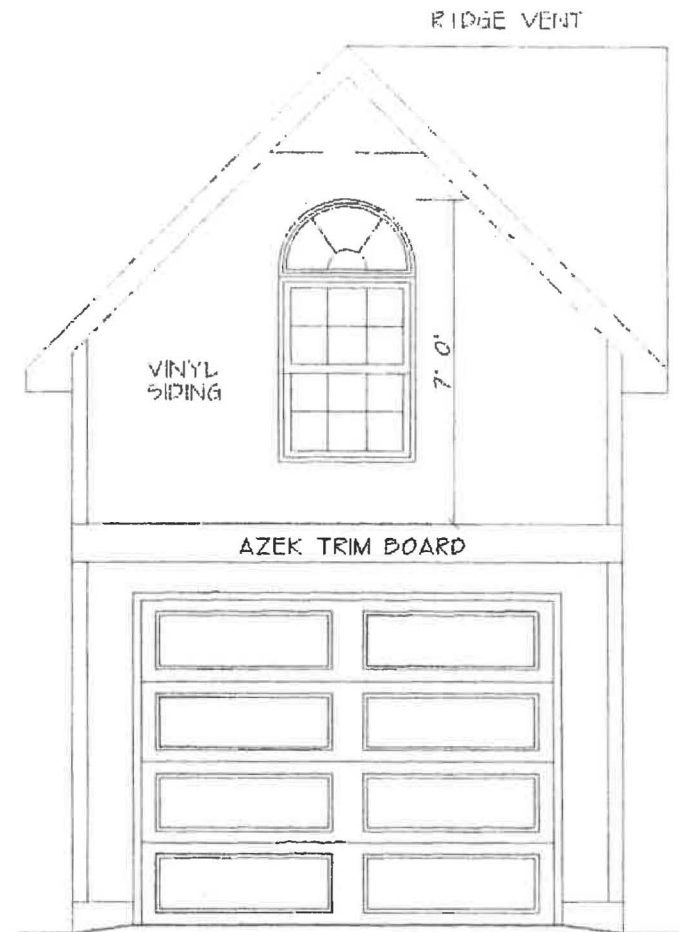
1/4" = 1'

Johnson Designs
Pete Johnson
11706 W Salem Carroll
Oak Harbor, OH 43449
419-898-0224



RIGHT ELEVATION

1/4" = 1'



FRONT ELEVATION

1/4" = 1'

Johnson Designs
Pete Johnson
11706 W Salem Carroll
Oak Harbor, OH 43449
419-848-0234

RECORD OF PROCEEDINGS Danbury Township Board of Zoning Appeals

Minutes of

Met

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

October 16, 20 19

EXHIBIT

Twp. Ex.

6
2019 BZA Minutes

The Danbury Township Board of Zoning Appeals was called to order at 6:30 p.m. by the Chair, Sherry Roberts, at the Danbury Township Hall. The Pledge of Allegiance was recited.

The roll call showed the following members present: Chair, Sherry Roberts, Mr. Joseph Fetzer, Mrs. Loretta Grentzer, Ms. Sharon Michael, Ms. Lisa Bauer, and Alternate, Mr. Clyde Shetler. Also present were Kathryn Dale, Zoning & Planning Administrator. Visitors present were Mr. Peter Corrado, Dr. Alice Randolph, Mr. John Feick, Mr. Paul and Mrs. Linda Ruttencutter, and Mr. Jim Shelley.

Ms. Dale read the rules of order for the meeting proceedings. The Chair asked Mrs. Dale if all the documents relating to the case had been received and were in proper order. She indicated that they were. The Chair swore-in the Zoning and Planning Administrator, Kathryn Dale.

The Chair asked Mrs. Dale to introduce the first case of the evening.

Adjudication Hearing Case BZA #2019-179 127-129 Kenton Row Ruttencutter

Request for an Area Variance from Section 3.1.5.D to allow for a second floor addition to encroach into the south, side-yard setback (3' required/ 0.2' proposed).

The Chair asked if there were any Board members who would have a conflict and wished to abstain from this hearing. There were none. Mr. Fetzer moved and Ms. Grentzer seconded the motion to open the public hearing. All were in favor and the motion carried.

The Chair asked the Zoning Administrator to give an overview of this application. Ms. Dale stated the applicant is proposing to construct a 10' x 12'4" 2nd floor bedroom and bathroom addition on the south rear of the existing structure. The existing structure is nonconforming because the foundation of the house is 0.2' from the south, side property line with the overhang on a portion of the house encroaching over the property line. The proposed addition will match the exterior wall of the house and be 0.2' from the south, side property line where 3' is required. The addition will not have an overhang on it to match the rest of the house. The addition will not be visible from the front of the house and there will be no increase in building height to accommodate this addition. According to the paperwork submitted there is no bathroom on the second floor causing issue with guests and renters being able to navigate the stairs to the first floor in the middle of the night. The applicant has been before the Lakeside Historic Preservation Design Review Board who has approved the design of the addition and Lakeside's Municipal Services Committee is also in support of the variance request. Ms. Dale concluded by stating review of the decision standards the Board would be considering were included in their packets.

Ms. Grentzer asked about the last statement, *'guests and renters being able to navigate the stairs to the first floor in the middle of the night'* and whether that was within the BZA's purview. Ms. Dale said that the applicants are only trying to identify why they are asking for the addition.

James Shelley, Agent on Behalf of the Owner, 2110 CR 292, Bellevue, came forward and was sworn in. Mr. Shelley reviewed the paperwork and stated it was as he submitted. Mr. Shelley stated he thinks their request is relatively easy; they are trying to put a small addition onto a 100yr. old building that was built too close to the property line so that it is more rentable and user friendly to the renters and guests of the house. He said they are just trying to make it a little nicer for the people who stay there. He said it is rented all summer long and Lakeside needs rental properties and that's what they are trying to accommodate.

Ms. Grentzer asked Mr. Shelley if he was the owner. He said no, he is a friend of Paul & Linda Ruttencutter who are present and is just assisting them thru this process. Ms. Grentzer asked who Ruttencutter Holdings is. Linda Ruttencutter said it's a Holding Company. Ms. Roberts asked Mrs. Ruttencutter to be sworn-in before she said much more.

Linda Ruttencutter, 127-129 Kenton Row, Owner came forward and was sworn in. Mrs. Ruttencutter said they have a need for a bathroom because as Mr. Shelley shared, they rent all season long. Ms. Ruttencutter stated they rent to people as old as 88 yrs. old, her father is 93 yrs. old and he comes up and stays and going up and down the steps at night is hard. She said her neighbors appear to have no problem with it from the hearings they've had with Lakeside. Ms. Ruttencutter stated this is a two-family structure, and the 129 Kenton Row side does not have a bathroom on the second floor; there is one on the first floor. She said between family and a special needs child that stays in this unit, they have a need for this additional space.

Ms. Michael asked how long they have rented this unit without the bathroom. Mrs. Ruttencutter responded 27 yrs. with a lot of complaints. She shared that her sister actually fell down the stairs one time and older family members are really struggling as they age. **Mr. Fetzer clarified that they only rent one side of the house. Ms. Ruttencutter said that is correct, but they have occasionally rented their side also.** Mr. Fetzer clarified that this addition will only impact the one side of the structure. Mrs. Ruttencutter said that was correct. Ms. Grentzer asked if the other side, their side, already has an upper

RECORD OF PROCEEDINGS

Minutes of

Danbury Township Board of Zoning Appeals

Meeting

BEAR GRAPHICS 800-325-8084 FORM NO 1014E

Held

October 16, 2019

bathroom. Ms. Ruttencutter said yes. Mr. Shelley approached the table and pointed to the photograph included in the Board's packet the rear elevation and where the addition is going. Ms. Grentzer thanked him for the clarification.

Ms. Michael asked how long ago the bathroom was installed in their unit. Ms. Ruttencutter stated some time ago they added it for themselves, but didn't have the money to be able to add a bedroom and bathroom on the 2nd floor for both units. Ms. Ruttencutter stated she wanted to answer the first question, and the reason they have the property listed as Ruttencutter Holdings is because her husband was a pharmacist (retired) and in today's world, they didn't want to ever risk being sued and losing the property.

There were no further questions from the Board and there was no one with standing who wished to testify.

Ms. Grentzer made a motion to close the public comment segment of the hearing, seconded by Ms. Bauer. All were in favor and the motion carried.

Mr. Fetzer motioned to recess into executive session to deliberate the merits of the case. Ms. Bauer seconded the motion and the roll call vote was as follows: Ms. Michael – yes; Mr. Fetzer – yes; Mrs. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes. The motion carried and the Board recessed at 6:44p.m.

Mr. Fetzer moved and Ms. Michael seconded the motion to reconvene. The roll call vote was as follows: Ms. Michael – yes; Mr. Fetzer – yes; Mrs. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes. The Board reconvened at 6:52p.m.

The Chair asked Mrs. Dale to read the Findings of Fact for BZA Case #2019-179:

With regard to BZA-2019-179 being a request for an Area Variance from Section 3.1.5.D to allow for a second floor addition to encroach into the south, side-yard setback (3' required/ 0.2' proposed) for the property located at 127-129 Kenton Row:

1. The property in question **will** yield a reasonable return and **can** be used beneficially without the variance because the property can continue to be used as a two-family residence.
2. The request is **not** substantial because the structure overall will not be any closer to the side property line than what currently exists.
3. The essential character of the neighborhood **would not** be substantially altered by the variance and adjoining properties **would not** suffer a substantial detriment as a result of the variance because it will not be visible from the front of the house and will not extend beyond the current footprint of the existing structure.
4. There is **no** indication the variance would adversely affect the delivery of governmental services (i.e. water, sewer, garbage, etc.) because utilities are existing to the property.
5. The property owner states they **were not** aware of the zoning requirements in effect in the Township at the time they acquired the property but since acquiring the property in 1992, they have applied for and received 6 zoning permits for various improvements to the property.
6. The property owner's predicament **cannot** feasibly be obviated through some method other than a variance because any outward expansion would have more of an impact on adjacent properties.
7. The spirit and intent behind the zoning requirement **would** be observed and substantial justice done by granting the variance because it is the least amount of change needed to their home to accomplish the goal of providing a bedroom and bathroom on the second floor and all other zoning requirements are satisfied.

Mr. Fetzer moved that the Board adopts and makes the findings of fact as read by the recording secretary and that after considering and weighing these factors, the Board finds that Decision Standards(s) (2) (3) (6) weigh more heavily to show that:

- a. Practical difficulty is sufficient to warrant granting the Variance requested.
- b. There is a preponderance of reliable, probative and substantial testimony; and
- c. There is evidence that **does support** the applicants request for a variance.

Therefore, the Variance should be accordingly **APPROVED**.

Motion Seconded by Ms. Grentzer. Roll Call Vote was as follows: Ms. Michael – yes; Mr. Fetzer – yes; Mrs. Grentzer – yes; Ms. Bauer – yes; Ms. Roberts – yes. Vote 5-0 the motion passed. The Chair stated that the applicant could receive permits following the BZA's next meeting in November.